



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

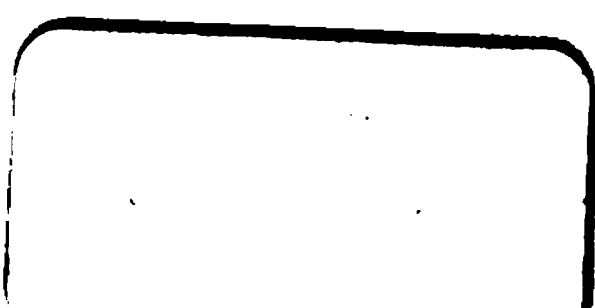
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



A handwritten signature in black ink, appearing to read "O. G. Jones". The signature is written in a cursive style with large loops and flourishes. It is located at the bottom right of the page, below the typed name "O. G. Jones".

بسم الله الرحمن الرحيم

Ohio General Assembly, etc.

A COMPILATION

OF

LAWS, TREATIES, RESOLUTIONS,

AND

ORDINANCES,

OF THE

General and State Governments,

WHICH

RELATE TO LANDS IN THE STATE OF OHIO;

INCLUDING

THE LAWS ADOPTED BY THE GOVERNOR AND JUDGES;

**THE LAWS OF THE TERRITORIAL LEGISLATURE; AND THE LAWS OF
THIS STATE, TO THE YEARS 1815-16.**

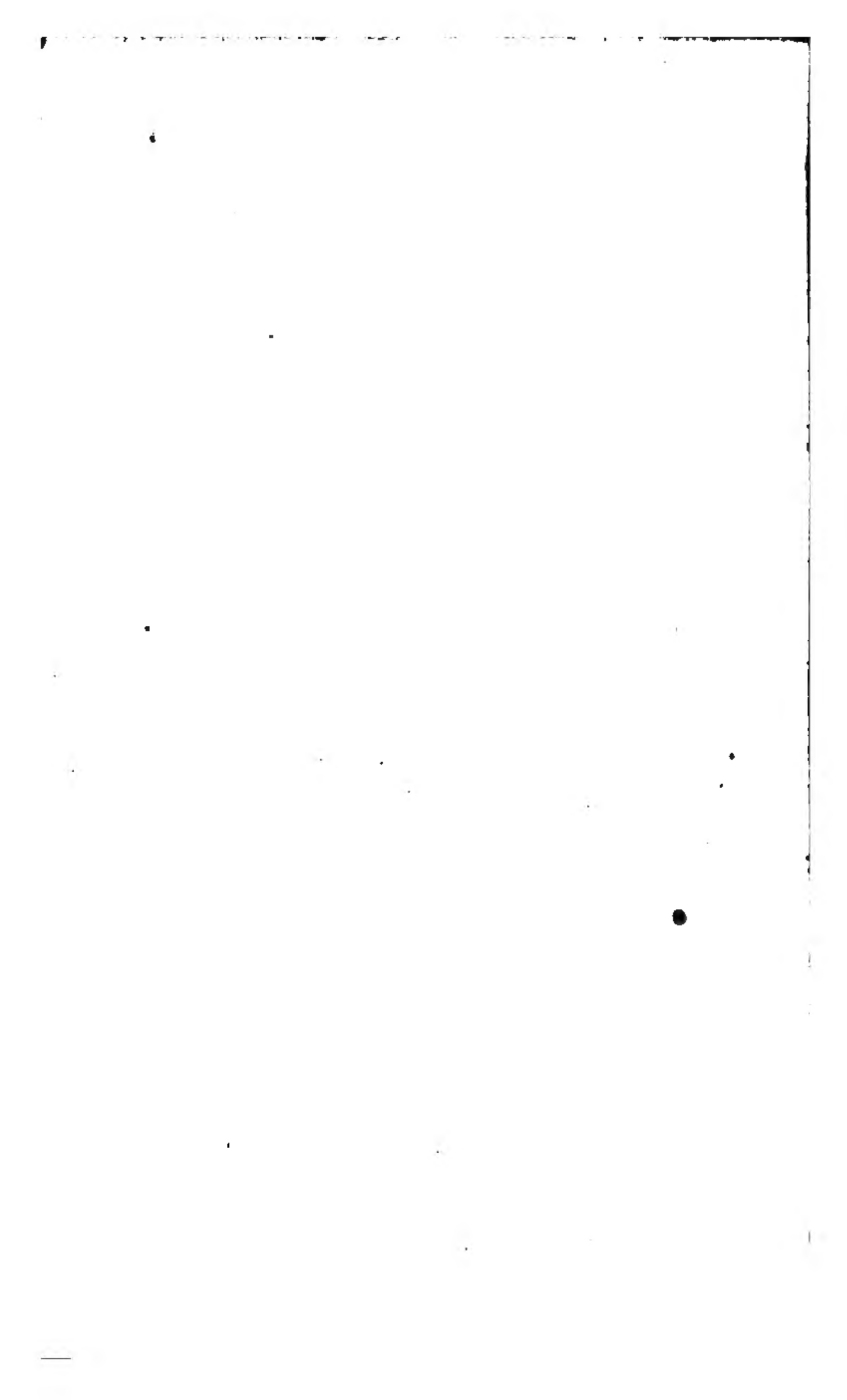
PUBLISHED IN PURSUANCE OF RESOLUTIONS OF THE GENERAL ASSEMBLY,

PASSED JANUARY 22, 1825.

COLUMBUS:

PRINTED BY GEO. NASHEE, STATE PRINTER.

1825.



Resolution of 22d of Sept. 1780—ib. ib. With respect to this resolution, the following appears on the journals of Congress:

"Congress resumed the consideration of the report of the committee on the medical department, and, on the consideration of the following paragraph, viz:

"That the several officers, whose pay is established as above, except the clerks and stewards, shall, at the end of the war, be entitled to a certain provision of land, in the proportion following, to wit:

"The director to have the same quantity as a brigadier general; chief physicians and purveyor the same as a colonel; physicians and surgeons, and apothecary, the same as a lieutenant colonel; regimental surgeons and assistants to the purveyor and apothecary, the same as a major; hospital and regimental surgeons' mates, the same as a captain."

"A motion was made by Mr. Muhlenberg, seconded by Mr. Bland,

"To amend the paragraph, by inserting after the words 'entitled to,' the words following, viz: 'half pay in the same proportion and under like restrictions as officers of the line.'"

"And on the question to agree to the amendment,

"The yeas and nays were required, and

"It was resolved in the affirmative.

"On the question to agree to the paragraph, as amended;

"The yeas and nays were required, and

"It was resolved in the affirmative.

"Ordered, That the paragraph respecting the pay be re-committed."

And whereas, by the foregoing arrangement, many deserving officers must become supernumerary, and it is proper that regard be had to them:

Resolution of 3d Oct. 1780, ib. ib. Resolved, That from the time the reform of the army takes place, they be entitled to half pay for seven years, in specie or other current money equivalent, and also grants of land at the close of the war, agreeably to the resolution of the 16th of September, 1776. •



[*Ordinance of Congress, May 20th, 1785, 1 vol. L. U. S. p. 567.*]

Army bounty And whereas Congress, by their resolutions of September 16th and 18th, in the year 1776, and the 12th of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22d September, 1780, stipulated grants of land to certain officers in the hospital department of the late continental army; for complying, therefore, with such engagements, be it ordained, that the secretary of war, from the returns in his office, or such other sufficient evidence as the nature of the case may

admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are, respectively, entitled, and cause the townships, and fractional parts of townships, herein before reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different states, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment or company, to which he belonged, the quantity of land he is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions, in manner and form herein before mentioned, varying only in such a degree as to make the same conformable to the certificate from the secretary of war. Regulations with respect to army bounty lands.

Where any military claimants of bounty in lands shall not have belonged to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The secretary of war, from the proper returns, shall transmit to the board of treasury a certificate, specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the states, shall, within eighteen months, return receipts to the secretary of war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded; which deeds, so returned, shall be preserved in the office, until the parties or their representatives require the same.



[Supplement to the ordinance for ascertaining the mode of disposing of lands in the Western territory—1 v. L. U. S. p. 570.]

That the secretary of war issue warrants for bounties of land to the several officers and soldiers of the late continental army who may be entitled to such bounties, or to their

respective assigns* or legal representatives, certifying thereon in the rank or station of each officer, and the line, regiment, corps, and company, in which the officer or soldier served.

That the geographer, by warrant under his hand and seal, appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties by the act of congress of the 22d of October last;† and that the persons entitled to lands by virtue of warrants issued as aforesaid, shall be at liberty to locate them on any part of the two tracts of lands set apart as aforesaid; provided, that each location and survey shall be bounded on one side by one of the external boundaries of one of the tracts aforesaid or by some prior survey therein; and the external lines of each survey shall run east and west, north and south, such parts thereof excepted as may border upon a river bounding the district, and the several surveys shall be in squares, unless where restrained by such river, or by the lines of former surveys; and provided also, that in every location there shall be a combination of as many warrants as shall make the same at least six miles square, and no interstices shall be left between surveys less than six miles wide.



[Act of 1st June, 1796, 2 v. L. U. S. p. 565.]

Boundary of
the U. S. M.
Tract.

SEC. 1. That the surveyor general be, and he is hereby required to cause to be surveyed the tract of land beginning at the northwest corner of the seven ranges of townships, and running thence fifty miles due south, along the western boundary of the said ranges; thence, due west with the main branch of the Scioto river; thence, up the main branch of the said river, to the place where the Indian boundary line crosses the same; thence, along the said boundary line, to the Tuscarawas branch of the Muskingum river, at the crossing place above Fort Lawrence; thence, up the said river, to the point where a line, run due west from the place of beginning, will intersect the said river; thence, along the line so run, to the place of beginning; and shall cause the said tracts to be divided into townships of five miles square, by running, marking, and numbering, the exterior lines of the said townships, and marking corners in the said lines, at the distance of two and one-half miles from each other, in the manner directed by the act, entitled "An act providing for the sales of the lands of the United States, in the territory

To be divided
into townships
of five miles
square.

2 vol. L. U. S.
page 533.

*This provision would seem to repeal a previous resolution of Congress, of the 20th September, 1776, which provides "that Congress will not grant lands to any person or persons claiming under the assignment of an officer or soldier."

†See this act under the head of "Lands granted to the United Brethren."

northwest of the river Ohio, and above the mouth of Kentucky river;" and that the lands above described, except the salt springs therein, and the same quantities of land adjacent thereto, as are directed to be reserved with the salt springs, in the said recited act, and such tracts within the boundaries of the same, as have been heretofore appropriated by Congress, be, and they are hereby, set apart and reserved for the purposes hereinafter mentioned.

• **SEC. 2.** That the said land shall be granted only in tracts containing a quarter of the township to which they belong, lying at the corners thereof; and that the secretary of the treasury shall for the space of nine months, after public notice in the several states and territories, register warrants for military services, to the amount of any one or more tracts, for any person or persons holding the same; and shall, immediately after the expiration of the said time, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the said registered warrants; and the person or persons holding the same shall, severally, make their locations, after the lots shall be proclaimed, on a day to be previously fixed in the before mentioned notice; in failure of which, they shall be postponed, in locating such warrants, to all other persons holding registered warrants: And the patents for all lands located under the authority of this act, shall be granted in the manner directed by the before mentioned act, without requiring any fee therefor.

Lands to be granted in tracts containing a qr. township.

Priority of location to be determined by lot.

SEC. 3. That after the time limited for making the locations, as aforesaid, any person or persons holding warrants of the before mentioned description, sufficient to cover any one or more tracts, as aforesaid, shall be at liberty to make their locations on any tract or tracts not before located.

After the time limited, any person may locate.

SEC. 4. That all the lands set apart by the first section of this act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And all warrants or claims for lands, on account of military services, which shall not, before the day aforesaid, be registered and located, shall be forever barred.

Lands not located to be released. Repealed—3 vol. L. U. S. p. 200.

SEC. 6. That all navigable streams or rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be and remain public highways. And that, in all cases where the opposite banks of any stream not navigable shall belong to different persons, the stream and the bed thereof shall be common to both.

Navigable streams declared public highways.

[*Act of 2d March, 1799, 3 v. L. U. S. p. 260.*]

[The 4th section of the act of June 1, 1796 repealed.] SEC. 2. That all the lands set apart by the first section of the above mentioned act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred and two, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And that all warrants or claims for lands, on account of military services, which shall not, before the day aforesaid, be registered and located, shall be forever barred.

Lands not located released.
Warrants not registered barred.

[*Act of 11th February, 1800, 3 v. L. U. S. p. 305.*]

The secretary to register warrants. SEC. 1. That the secretary of the treasury shall, for the space of fourteen days after the expiration of the nine months heretofore allowed for that purpose, by the act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," register warrants for military services, in the form and manner as is prescribed by the said recited act; and the priority of location of said warrants, and the warrants registered under the said recited act, shall be determined by lot, immediately after the expiration of the said fourteen days, and a day for the location shall be fixed by the secretary of the treasury, in a public notice given in one of the Gazettes of the city of Philadelphia.

Priority of location to be determined by lot.
Notice to be given.

[*Act of 1st March, 1800, 3 v. L. U. S. p. 314.*]

Lines actually run to be considered the boundaries of tracts. SEC. 1. That the respective points of intersection of the lines actually run, as the boundaries of the several townships surveyed by virtue of the act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," accordingly as the said lines have been marked and ascertained at the time when the same were run, notwithstanding the same are not in conformity to the act aforesaid, or shall not appear to correspond with the plat of the survey which has been returned by the surveyor general, shall be considered, and they are hereby declared to be, the corners of the said townships: That in regard to every such township as, by the plat and survey returned by the surveyor general, is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two

Corners of qr. townships established.

corners of the same township which stand on the same boundary line, shall be considered, and they are hereby declared to be, corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines, run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that, in regard to every such township as, by the said return, is stated to contain, in any of the quarters thereof, more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township, to designate the quarters thereof, shall be considered, and they are hereby declared to be, the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided, by running lines through the same, from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall be in every proceeding to be had under the above mentioned, or this act, be considered as containing the exact quantity expressed in the plat and survey thereof returned by the surveyor general.

Other boundary lines to be straight.
Townships to be divided by running lines through the same from the corners marked, &c.

SEC. 2. That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be, registered at the treasury, in pursuance of the act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," during the time, in the manner, and according to the rights of priority which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township, or fractional part of a quarter township, in the general tract mentioned and described in said act: *Provided always*, That the fractional quarter townships upon the river Scioto, and those upon the river Muskingum, adjoining the grant made to Ebenezer Zane, or the towns Salem, Gnadenhutten, or Shoenbrun, or the Indian boundary line, shall, in every case, be accepted and taken in full satisfaction for four thousand acres.

Warrants may be located on quarter townships, &c.
Proviso.

SEC. 3. That whenever locations shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the surveyor general, is stated to contain less than the quantity of four thousand acres, except in the case of fractions provided for in the preceding section, it shall be lawful for the secretary of the treasury to issue, or cause to be issued, certificates, expressing the number of acres remaining unsatisfied, of any registry of warrants, for

When locations made on a quarter containing less than 4000 acres, a certificate may issue for residue.

the quantity of four thousand acres, made in pursuance of the act before recited, which certificates shall have the same validity and effect, and be liable to be barred in like manner, as warrants granted for military services; but no certificate shall be granted, nor any claim allowed, for less than fifty acres, nor for the navigable water contained within the limits of any quarter township or fractional quarter township.

No patent to issue when location shall be made on a quarter exceeding 4000 acres until the excess be paid for, &c.

SEC. 4. That whenever a location shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the surveyor general, is stated to exceed the quantity of four thousand acres, no patent shall be issued in pursuance thereof, until the person making such location shall deposit, at the treasury, warrants for military services, or certificates issued by virtue of the preceding section, equal to the excess above four thousand acres, contained in such quarter township, or shall pay into the treasury of the United States two dollars per acre, in the certificates of the six per cent. funded debt of the United States, or money, for each acre of the excess above four thousand acres, as aforesaid.

Fifty quarter townships reserved for individuals.

SEC. 5. That after the priority of location shall have been determined, and after the proprietors or holders of warrants for military services shall have designated the tracts by them respectively elected, it shall be the duty of the secretary of the treasury to designate, by lot, in the presence of the secretary of war, fifty quarter townships, of the lands remaining unlocated, which quarter townships, together with the fractional parts of townships remaining unlocated, shall be reserved for satisfying warrants granted to individuals for their military services, in the manner hereafter provided.

Each quarter reserved to be divided into lots of 100 acres.

SEC. 6. That the land in each of the quarter townships designated as aforesaid, and in such of the fractional parts of quarter townships, as may then remain unlocated, shall be divided by the secretary of the treasury, upon the respective plats thereof, as returned by the surveyor general, into as many lots, of one hundred acres each, as shall be equal, as nearly as may be, to the quantity such quarter township or fraction is stated to contain; each of which lots shall be included, where practicable, between parallel lines, one hundred and sixty perches in length, and one hundred perches in width, and shall be designated by progressive numbers, upon the plat or survey of every such quarter township and fraction, respectively.

Lots may be located at any time before 1st January, 1802.

SEC. 7. That from and after the sixteenth day of March next, it shall be lawful for the holder of any warrant granted for military services, to locate at any time before the first day of January, one thousand eight hundred and two, the number of hundred acres, expressed in such warrant, on any lot or lots, from time to time, remaining unlocated within the tracts

reserved as aforesaid; and upon surrendering such warrant to the treasury, the holder thereof shall be entitled to receive a patent, in the manner, and upon the conditions, heretofore prescribed by law; which patent shall, in every case, express the range, township, quarter township, or fraction, and number of the lot, located as aforesaid: But no location shall be allowed, nor shall any patent be issued, for any lot or lots of one hundred acres, except in the name of the person originally entitled to such warrant, or the heir or heirs of the person so entitled; nor shall any land, so located and patented, to a person originally entitled to such warrant, be considered as in trust for any purchaser, or be subject to any contract made before the date of such patent, and the title to lands acquired in consequence of patents issued as aforesaid, shall and may be alienated in pursuance of the laws which have been, or shall be, passed in the territory of the United States northwest of the river Ohio, for regulating the transfer of real property, and not otherwise.

Locations to be made in the name of original proprietor or his heirs.

Sec. 10. That the actual plat and survey, returned by the surveyor general, of quarter townships, and fractional parts of quarter townships, contained in the tract mentioned and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land supposed to be contained in the quarter townships, and fractions, so that no claim shall hereafter be set up against the United States, by any proprietor or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township or fractional part of a quarter township, which shall have been located by such proprietor or holder, nor shall any claim be hereafter set up by the United States, against such proprietor or holder, on account of any excess in the quantity of land contained therein.

The actual plat and survey considered final.

[Act of 26th April, 1802, 3 v. L. U. S. p. 478.]

Sec. 1. That from and after the passing of this act, and until the first day of January next, it shall be lawful for the holders or proprietors of warrants heretofore granted in consideration of military services, or register's certificates, of fifty acres or more, granted, or hereafter to be granted, agreeable to the third section of an act, entitled "An act in addition to an act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," approved the first day of March, one thousand eight hundred, to register and locate the same, in the same manner, and under the same restrictions, as might have been done before

Holders of warrants may locate them until 1st January.

Proviso.

the first day of January last: *Provided*, That persons holding register's certificates for a less quantity than one hundred acres, may locate the same on such parts of fractional townships as shall, for that purpose, be divided by the secretary of the treasury into lots of fifty acres each.

Claims may be received when warrants, &c. are suggested to have been lost.

SEC. 2. That it shall be the duty of the secretary of war to receive claims to lands for military services, and claims for duplicates of warrants issued from his office, or from the land office of Virginia, or of plats and certificates of surveys founded on such warrants, suggested to have been lost or destroyed, until the first day of January next, and no longer; and immediately thereafter, to report the same to Congress, designating the numbers of claims of each description, with his opinion thereon.

[*Act of 3d March, 1803, 3 v. L. U. S. p. 554.*]

Act of 26th April, 1802, revived, &c.

SEC. 1. That the first section of "An act in addition to an act, entitled "An act in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," approved the twenty-sixth of April, eighteen hundred and two, be, and the same is hereby, revived and continued in force until the first day of April next.

Secretary of war authorized to issue warrants to certain persons.

SEC. 2. That the secretary of war be, and he hereby is, authorised, from and after the first day of April next, to issue warrants for military bounty lands to the two hundred and fifty-four persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same to the secretary of war, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, entitled "An act in addition to an act; entitled "An act in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."

Only to be located on 50 quarter townships reserved.

SEC. 3. That the holders, or proprietors, of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants, only on any unlocated parts of the fifty quarter townships and the fractional quarter townships which had been reserved for original holders, by virtue of the fifth section of an act, entitled "An act in addition to an act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."*

See act of March 1, 1800.

*The lands on this tract not located were directed to be surveyed into half sections in the manner directed by the "Act providing for the sale of the lands, of the United States in the territory northwest of Ohio, and above the mouth of Kentucky river," 3 v. L. U. S. p. 555. A part was directed to be sold at Chillicothe and part at Zanesville.

[Act of March 19, 1804, 3 v. L. U. S. p. 588]

SEC. 1. That the act, entitled "An act, in addition to an act, entitled "An act, in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," approved the twenty-sixth day of April, eighteen hundred and two, be, and the same is hereby, revived and continued in force, until the first day of April, one thousand eight hundred and five: *Provided, however,* That the holders or proprietors of warrants, or registered certificates, shall and may locate the same, only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, entitled "An act, in addition to an act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen:" *And provided, also,* That no holder or proprietor of warrants, or registered certificates, shall be permitted to locate the same by virtue of this act, unless the secretary of war shall have made an endorsement on such warrant or registered certificate, certifying that no warrant has been issued for the same claim to military bounty land; and by virtue of the second section of the act, entitled "An act to revive and continue in force an act in addition to an act, entitled "An act in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen; and for other purposes," approved the third day of March, eighteen hundred and three.

Act of 20th of April revived and continued in force until April, 1805.

Proviso.

Proviso.

[Act of March 2, 1805, 3 v. L. U. S. p. 657.]

SEC. 1. That the secretary of war be, and he hereby is, authorized from and after the passing of this act, to issue warrants for military bounty lands, to the sixty-three persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same to the secretary of war; and also, to such persons as shall, before the first day of April next, produce to him satisfactory evidence of the validity of their claims, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, entitled "An act in addition to an act, entitled "An act in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."

Secretary authorized to issue warrants to certain persons.

SEC. 2. That the holders or proprietors of the land war- Holders of

warrants to locate them on the 50 q'r townships reserved.

rants issued by virtue of the preceding section, shall and may locate their respective warrants only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, entitled "An act in addition to an act, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."

Act of 26th April, 1802, continued in force until 1st March, 1806.

SEC. 3. That the act, entitled "An act in addition to an act, entitled "An act in addition to an act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," approved the twenty-sixth day of April, eighteen hundred and two, be, and the same is hereby, continued in force until the first day of March, eighteen hundred and six.*

*By the act of April 15th, 1806, the secretary of war is to issue warrants to persons having valid claims, who shall present them before the 1st of March, 1808. Locations may be made prior to the 1st day of Oct. 1808.

The fifty reserved quarters to be surveyed—4 vol. L. U. S. p. 34.

The act of March 21st, 1808, gives time to issue warrants until the 1st day of March, 1810; and to locate them until the 1st of October, 1810—4 vol. L. U. S. p. 155.

By the act of December 19th, 1809, time is given to issue warrants until the 1st of March, 1813; and to locate until the 1st of October, 1813—4 vol. L. U. S. p. 243.

Act of July 5th, 1813.—Further time is given to issue warrants until the 1st of March, 1816: and to locate them until the 1st of October, 1816—4 vol. L. U. S. p. 542.

Act of 16th April, 1816.—Further time is given to issue warrants until the 1st day of March, 1818, and to locate them until the 1st day of October, 1819. The commissioner of the land office to return unlocated lots which are to be offered for sale after the 1st of March, 1819—1 Session, 14th Congress, page 52.

Act of March 9th, 1818.—The time limited extended to May 1st, 1819; and the time for location, extended to the 1st day of October, 1819—1 Sess. 15th Congress, page 15.

Act of February 24th, 1819.—The time limited by the last act, extended to the 4th of March, 1821; and for location to the 1st day of October thereafter—2 Sess. 15th Cong. page 31.

Act of March 3d, 1823.—Further time for issuing warrants given until the 4th of March, 1825; and for locating them until the 1st day of October thereafter—2 Sess. 17th Cong. p. 77.

Act of May 26th, 1824.—The authority granted to the secretary of war, by act of February 24th, 1819, revived and continued in force for five years—1 Sess. 18th Cong, p. 112.

Ohio Company's Purchase.†

[Ordinance of May 20, 1785, 1 v. L. U. S. p. 563.]

The surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require. And each surveyor shall be allowed and paid at the rate of two dollars for every mile in length he shall run, including the wages of chain carriers, markers, and every other expense attending the same.

The first line running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the western termination of a line which has been run as the southern boundary of the state of Pennsylvania: And the first line running east and west, shall begin at the same point, and shall extend throughout the whole territory: *Provided*, That nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. The geographer shall designate the townships or fractional parts of townships, by numbers, progressively, from south to north; always beginning each range with No. 1; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked No. 1. The geographer shall personally attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distances, all mines, salt springs, salt licks, and mill seats, that shall come to his knowledge; and all water courses mountains and other remarkable and permanent things,

†See Act of Virginia, October session 1783, Chancery Revised, 214; 1 v. L. U. S. p. 472; and under the title "Virginia Military Bounties."

over or near which such lines shall pass, and also the quality of the lands.

Plats of townships shall be marked into lots of one mile square. The plats of the townships, respectively, shall be marked, by sub-divisions, into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36; always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes before mentioned, only a fractional part of a township shall be surveyed, the lots protracted thereon shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

Corners to be marked.

Townships, how to be sold.

The board of treasury shall transmit a copy of the original plats, previously noting thereon the townships and fractional parts of townships, which shall have fallen to the several states, by the distribution aforesaid, to the commissioners of the loan office of the several states, who, after giving notice of not less than two, nor more than six months, by causing advertisements to be posted up at the court houses or other noted places in every county, and to be inserted in one newspaper published in the states of their residence, respectively; shall proceed to sell the townships or fractional parts of townships, at public vendue, in the following manner, viz: the township or fractional part of a township No. 1, in the first range, shall be sold entire; and No. 2, in the same range, by lots; and thus, in alternate order, through the whole of the first range. The township or fractional part of a township No. 1, in the second range, shall be sold by lots; and No. 2, in the same range, entire; and so, in alternate order, through the whole of the second range; and the third range shall be sold in the same manner as the first; and the fourth in the same manner as the second; and thus, alternately, throughout all the ranges: *Provided*, That none of the lands within the said territory be sold under the price of one dollar the acre, to be paid in specie or loan office certificates, reduced to specie value by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty-six dollars the township, in specie or certificates as aforesaid, and so, in the same proportion, for a fractional part of a township or of a lot, to be paid at the time of sales, on failure of which payment the said lands shall again be offered for sale.

Reservations.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots

of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot No. 16, of every township, for the maintenance of public schools within the said township; also, one-third part of all gold, silver, lead, and copper, mines, to be sold, or otherwise disposed of, as Congress shall hereafter direct.*

[In Congress, July 23, 1787, 1 v. L. U. S. p. 573.]

The report of a committee, consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Benson, amended to read as follows, viz:

That the board of treasury be authorized and empowered Board of treasury empowered to contract for certain lands. to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying; thence, by the said boundary to the northern boundary of the tenth township from the Ohio; thence, by a due west line to Scioto; thence, by the Scioto to the beginning, upon the following terms, viz: The tract to be surveyed, and its contents ascertained, by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the board of treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract, at their own expense, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785; complete returns whereof to be made to the treasury board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion.† The lots Nos. 8, 11, and 26, in each township, or fractional part of a township to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of an University, to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the state. The price to

*Salt springs and lead mines are reserved by subsequent laws: but the reservation of gold, silver, and copper has been discontinued. By the acts of 18th May, 1796, 2 v. L. U. S. p. 533, and 10th May, 1800, 3 v. L. U. S. p. 385, four central sections, including No. 16. were reserved in lieu of those here designated.

†The grant of No. 29, for religious purposes, is confined to the Ohio Company and J. C. Symmer's purchase.

Price to be
not less than
\$1 per acre.

Proviso.

Proviso.

Proviso.

be not less than one dollar per acre for the contents of the said tract, excepting the reservations and gifts aforesaid, payable, in specie, loan office certificates reduced to specie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumstances whatever: *Provided*, That such allowance shall not exceed, in the whole, one-third of a dollar per acre. And in making payment the principal only of the said certificates shall be admitted, and the board of treasury, for such interest as may be due on the certificates rendered in payment as aforesaid, prior to January 1, 1786, shall issue indents for interest to the possessors, which shall be receivable in payment as other indents for interest of the existing requisitions of Congress; and for such interest as may be due on the said certificates between that period and the period of payment, the said board shall issue indents, the payment of which to be provided for in future requisitions, or otherwise. Such of the purchasers as may possess rights for bounties of land to the late army, to be permitted to render the same in discharge of the contract, acre for acre: *Provided*, That the aggregate of such rights shall not exceed one-seventh part of the land to be paid for: *And provided also*, That there shall be no future claim against the United States on account of the said rights. Not less than 500,000 dollars of the purchase money to be paid down upon closing of the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and sufficient security to be given by the purchaser or purchasers for the completion of the contract on his or their part. The grant to be made upon the full payment of the consideration money, and a right of entry and occupancy to be acquired immediately for so much of the tract as shall be agreed upon between the board of treasury and the purchasers.

Ordered, That the above be referred to the board of treasury to take order.



[*Letter of Cutler and Sargent to the board of treasury, dated NEW-YORK, July 26, 1787, 1 v. L. U. S. p. 491.*]

Propositions
of Cutler and
Sargent.

We observe by the act of the 23d instant, that your honorable board is authorized to enter into a contract for the sale of a tract of land therein described, on certain conditions expressed in the act. As we suppose this measure has been adopted in consequence of proposals made by us in behalf of ourselves and associates, to a committee of Congress, we beg leave to inform you that we are ready to enter into a contract for the purchase of the lands described in the act, pro-

vided you can conceive yourselves authorized to admit of the Propositions following conditions, which, in some degree, vary from the of C. & S. report of the committee, viz:

The subordinate surveys shall be completed as mentioned in the act, unless the frequency of Indian irruptions may render the same impracticable without a heavy expense to the company.

The mode of payment we propose is, half a million of dollars when the contract is executed; another half a million, when the tract, as described, is surveyed by the proper officer of the United States; and the remainder in six equal payments, computed from the date of the second payment.

The lands assigned for the establishment of a University, to be nearly as possible in the centre of the first million and a half of acres we shall pay for; for to fix it in the centre of the proposed purchase, might too long defer the establishment.

When the second payment is made, the purchasers shall receive a deed for as great a quantity of land as a million of dollars will pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchased, only at such periods, and on such conditions, as may be agreed on betwixt the board and the purchasers.

As to the security, which the act says shall be good and sufficient, we are unable to determine what those terms may mean, in the contemplation of Congress, or of your honorable board; we shall, therefore, only observe, that our private fortunes, and that of most of our associates, being embarked in the support of the purchase, it is not possible for us to offer any adequate security, but that of the land itself, as is usual in great land purchases.

We will agree so to regulate the contract that we shall never be entitled to a right of entry or occupancy, but on lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to such payment. The advance we shall always be under, without any formal deed, together with the improvements made on the lands, will, we presume, be ample security, even if it was not the interest as well as the disposition of the company to lay the foundation of their establishment on a sacred regard to the rights of property.

If these terms are admitted, we shall be ready to conclude the contract.

[Resolution of 27th July, 1787, 1 v. L. U. S. p. 574.]

“Ordered, That the above letter from Manh. Cutler, and Winthrop Sargent, to the board of treasury, containing proposals for the purchase of a tract of land described in the

Boundaries
&c.

the other lines of this tract herein specified and described, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land; in a certain contract, executed on the twenty-seventh day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of Associates, of the other part, reserved or appropriated to particular purposes; thence, running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning; which said tract contains, as computed, nine hundred and thirteen thousand eight hundred and eighty-three acres; subject, however, to the reservations expressed in an indenture, executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of Associates, of the other part.

Second tract. One tract of land, containing two hundred and fourteen thousand two hundred and eighty-five acres, to be located within the limits of the tract of one million five hundred thousand acres, described in an indenture, executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of Associates, of the other part, and adjoining to the tract of land, described in the first section of the above recited act, and in the form herein prescribed, as follows: Beginning on a line that has been surveyed, and marked by Israel Ludlow (a plat or map whereof is filed in the office of the secretary of the treasury) as for the north boundary line of a tract of one million five hundred thousand acres, expressed in an indenture, executed on the twenty-seventh day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, of the other part, at a point which is and shall be established, to be the northwest corner of a tract of one hundred thousand acres, granted to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, by letters patent, bearing even date with these presents; thence, running westerly on the said line, surveyed and marked as aforesaid, to a point where the said line would intersect the west boundary line of the eleventh range of townships, if laid out agreeably to the land ordinance, passed the twentieth day of May, one thousand seven hundred and eighty-five; thence,

running south, on the said western boundary, of the said ^{Boundaries,} eleventh range of townships, if laid out as aforesaid, till it ^{&c.} would intersect a westerly continuation of the north boundary line of the third township of the seventh range of townships, surveyed by the authority of the United States of America in Congress assembled; thence, running on a further westerly continuation of the said north boundary line of the said third township, to a point, station, or place, where the western boundary line of the sixteenth range of townships would intersect or meet the same, if laid out agreeably to the land ordinance aforesaid; thence, running south, on the said western boundary line of the sixteenth range of townships, laid out as aforesaid, to a point, station, or place, from which a line drawn due east, to the west boundary line of a tract of nine hundred and thirteen thousand eight hundred and eighty-three acres, granted to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, by letters patent, bearing even date with these presents, will, with the other lines of this tract, as herein specified and described, comprehend two hundred and fourteen thousand two hundred and eighty-five acres; thence, running due east to the western boundary line of the said tract of nine hundred and thirteen thousand eight hundred and eighty-three acres; thence, running northerly, on the said western boundary line to the northwest corner of the said last mentioned tract; thence, running easterly on the northern boundary of the said last mentioned tract, to the point where the same is touched or intersected by the western boundary of the aforesaid tract of one hundred thousand acres; thence, northerly, on the said western boundary of the said last mentioned tract, to the place of beginning.

Third tract. One hundred thousand acres of land, to be ^{Boundaries of} located within the limits of the tract of one million five hundred thousand acres of land, described in an indenture, executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America; of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of Associates, of the other part, and adjoining to the tract of land described in the first section of the above recited act, and in the form herein prescribed, as follows: Beginning on the western boundary line on the seventh range of townships, laid out by the authority of the United States in Congress assembled, at a point, which is and shall be established to be the northeast corner of a certain tract of land, containing, as computed, nine hundred and thirteen thousand eight hundred and eighty-three acres, by letters patent, bearing even date with these presents, granted to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green; thence,

running northerly, on the said western boundary of the said seventh range of townships, to a point or station that has been fixed, pursuant to a survey, made by Israel Ludlow, a plat or map whereof is filed in the office of the secretary of the treasury, as the northeast corner of a tract of one million five hundred thousand acres, described in an indenture, executed on the 27th day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, of the other part; thence, running westerly on the northern boundary line of the said tract of one million five hundred thousand acres, as surveyed and marked by the said Israel Ludlow, to a point, from which a line drawn south to the northern boundary line of the said tract of nine hundred and thirteen thousand eight hundred and eighty-three acres, will, with the other lines of this tract, therein specified and described, comprehend one hundred thousand acres; thence, running south to the said northern boundary line, and thence, due east on the said northern boundary line, to the place of beginning.

[Act of 18th March, 1816, 1st Session, 15th Congress p. 16.]

Rufus Putnam, &c. to report what part of 100,000 acre tract has been conveyed.

Surveyor general to cause residue to be surveyed, &c.

SEC. 1. That, for the purpose of ascertaining the quantity, and providing for the sale of the lands belonging to the United States, within the limits of a tract of one hundred thousand acres, granted to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, in trust for the persons composing the Ohio Company of Associates, in pursuance of the third section of an act, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates," passed on the twenty-first of April, seventeen hundred and ninety-two, it shall be the duty of the surveyor general, and he is hereby authorized, to require of the said Rufus Putnam, and other surviving patentees, in trust as aforesaid, to make a report to him of the quantity and situation of the lands by them conveyed, as bounties, to actual settlers, according to the conditions of the said third section and grant aforesaid; and also, a duly attested copy of the field notes and plat of the surveys of the lands by them conveyed to actual settlers as aforesaid. And the surveyor general, on receiving a satisfactory report of the quantity and situation of the lands so conveyed, shall cause the residue of the lands within the said tract to be surveyed in the same manner as the other public lands; or, if he shall deem it more convenient into tracts of one hundred acres, conforming, as far as practicable, to the plan on which lots granted to actual settlers were laid off; and he shall make return of

the surveys to the general land office and the register of the land office at Marietta.

SEC. 3. That such part of the tract, described by the first section of this act, as shall appear to belong to the United States, shall be offered for sale at Marietta, and such part of the tract described by the second section of this act, as shall not have been located under confirmed claims, shall be offered for sale at Vincennes. The said lands, in the said respective tracts, with the exception of the usual proportion for the support of schools, shall be offered for sale to the highest bidder, under the direction of the register of the land office and the receiver of public moneys for the said districts, on such days respectively, as shall, by proclamation of the President, be designated for that purpose; the sales at each place shall remain open six days, and no longer; the lands shall not be sold for less than two dollars an acre; and shall in every other respect, both as to public and private sales, be sold on the same terms and conditions as other public lands in the same districts; and patents shall be obtained in the manner, and on the terms, provided in case of other public lands sold by the United States.

The tract remaining in the U. S. to be sold at Marietta.

John Cleves Symmes' Purchase.

[*Application by petition, New York, 29th August, 1787, 1 v. L. U. S. p. 484.*]

John Cleves
Symmes'
tract, &c.

That your petitioner, encouraged by the resolutions of Congress of the 23d and 27th of July last, stipulating the condition of a transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent and Manasseh Cutler, esquires, and their associates, of New England, is induced, on behalf of the citizens of the United States, westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the Congress will be pleased to direct that a contract be made by the honorable the commissioners of the treasury board, with your petitioner, for himself and his associates, in all respects similar in form and matter to the said grant made to Messrs. Sargent and Cutler, differing only in quantity and place where, and instead of two townships for the use of an University, that one only be assigned for the benefit of an academy.

That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands lying within the following limits, viz: beginning at the mouth of the Great Miami river; thence, running up the Ohio, to the mouth of the Little Miami river; thence, up the main stream of the Little Miami river, to the place where a due west line, to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler, and company, shall intersect the said Little Miami river; thence, due west, continuing the said western line to the place where the said line shall intersect the main branch or stream of the Great Miami river; thence, down the Great Miami, to the place of beginning.*

[*Act of 19th April, 1792, 2 v. L. U. S. p. 270.*]

President authorized to alter the contract, made between the late agent or agents, to alter the contract, made between the late

*In Congress, Oct. 2, 1787, ordered, that the above petition be referred to the board of treasury, to take order.

board of treasury and the said John Cleves Symmes, for the tract made sale of a tract of land of one million of acres, in such man- with Symmes. ner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, That the northern limits of the said tract shall not interfere with the boundary line established by the treaty of Fort Harmar, between the United States and the Indian nations: *And provided, also*, That the President reserve to the United States, such lands at and near fort Washington as he may think necessary for the accommodation of a garrison at that fort.*

[*Application of J. C. Symmes for alteration of boundary, &c.*
1 v. L. U. S. p. 495.]

Be it known unto all men by these presents, that where- Contract re- as, in pursuance of certain resolutions of the United States cited. in Congress assembled, bearing date respectively the twenty-third and twenty-seventh days of July, and the twenty-third day of October, one thousand seven hundred and eighty-seven, or some of them, a contract was duly made and executed between Samuel Osgood, Walter Livingston, and Arthur Lee, esquires, commissioners of the board of treasury of the United States, of the first part, Jonathan Dayton and Daniel Marsh, esquires, of the second part, and John C. Symmes, esquire, for the third part, for the purchase and grant of a certain tract of land in the western country, adjoining the river Ohio, beginning on the bank of the same river, at a spot exactly twenty miles distant along the several courses of the same, from the place where the Great Miami empties itself into the said river Ohio; from thence, extending down the said river Ohio, along the several courses thereof to the Great Miami river; thence, up the said river Miami, along the several courses thereof, to a place whence a line drawn due east, will intersect a line drawn from the place of beginning aforesaid, parallel with the general course of the Great Miami river, so as to include one million of acres within these lines and the said rivers; and from that place upon the said Great Miami river, extending along such lines to the place of beginning, containing, as aforesaid, one million of acres, to be granted to

*The tract of land designated by this act, is bounded on the north by a parallel of latitude, extending from the most northerly source of the Little Miami to the Great Miami, and is usually called "Ludlow's survey."

the said John Cleves Symmes and his associates, their heirs, and assigns, upon certain terms and conditions, as in and by the said contract, bearing date the fifteenth day of May, one thousand seven hundred and eighty-eight, reference being thereunto had, will fully appear.

Act of Congress recited.

Symmes' request to alter contract.

And whereas, by an act of the Congress of the United States, bearing date the twelfth day of April, one thousand seven hundred and ninety-two, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," the President of the United States was authorized, at the request of the said John Cleves Symmes, to alter the said contract, made between the said late board of treasury, and the said John Cleves Symmes, in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, That the northern limits of the said tract shall not interfere with the boundary line established by the treaty of fort Harmar, between the United States and the Indian nations: *And provided also*, That the President reserve to the United States such lands at and near fort Washington, as he may think necessary for the accommodation of a garrison at that fort, as in and by the said act, reference thereunto had, will fully appear. Now these presents witness, that I, the said J. C. Symmes, have requested, and hereby do request, the President of the United States, that the said contract, so as aforesaid made by the said commissioners of the late board of treasury, on behalf of the said United States, on the one part, and of the said John Cleves Symmes, by my said agents Jonathan Dayton, and Daniel Marsh, on behalf of myself and my associates, of the other part, be altered, so as to include only the last mentioned tract, butted, bounded, and described, as in the said act of the Congress aforesaid, subject to the same conditions and with the same limitations, as in the said contract and act of Congress are expressed, is set forth; and also, subject to the reservation of the quantity of fifteen acres, being for the accommodation of fort Washington and the garrison thereof, and including the said fort in such part of the said tract, as the President of the United States shall find convenient and suitable for military purposes, and shall cause to be located therefor, and further subject to the reservation of one mile square, at or within four miles of the mouth of the Great Miami, to be located by such person as the President of the United States shall appoint for that purpose: *Provided*, That a law be passed, within the space of two years from the date of these presents, to authorize the last mentioned reservation and location; and

that the President of the United States shall appoint a person to make such location within the space of one year after such law shall be passed: *And provided also*, That the same law shall authorize the President to make, and the President shall make and execute to the said John Cleves Symmes and his associates, his and their heirs, within the last mentioned term of one year, a grant and a release of the aforesaid fifteen acres reserved for the use and accommodation of fort Washington and the garrison thereof; and I do hereby, for myself and my associates, and our heirs, remise, remit, and quit claim, unto the said United States, all right, title, interest, claim and demand whatever, in and to so much of the lands contained and included within the bounds and limits described in the said first mentioned contract, as is not contained, meant, and intended to be contained and included, within the bounds and limits secondly above mentioned.

Quit claim to the lands in the first contract.

[*Act of May 5th, 1792, 2 v. L. U. S. p. 287.*]

SEC. 1. That the President of the United States be, and he hereby is, authorized and empowered to issue letters patent, in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents, or associates, under their contract of the fifteenth day of October, one thousand seven hundred and eighty-eight, will pay for, estimating the lands at two-thirds of a dollar per acre, and making the reservations specified in the said contract.

President authorized to grant patent to J. C. Symmes, &c.

SEC. 2. That the president be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes, and his associates, and to their heirs and assigns, in fee simple, one other tract of one hundred and six thousand eight hundred and fifty-seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents, or associates, or any of them, shall deliver to the secretary of the treasury, within six months, warrants which issued for army bounty rights, sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July, and second of October, one thousand seven hundred and eighty-seven; but in case so many warrants should not be delivered, then the letters patent, last aforesaid, to be given for such number of acres as shall be in proportion to the warrants so delivered.

President authorized to convey one other tract, &c.

Provided.

SEC. 3. That the president be, and he is hereby, authorized and empowered, by letters patent as aforesaid, to grant

President to convey a

township in
trust for an
academy.

and convey unto the said John Cleves Symmes, and his associates, their heirs and assigns, in trust, for the purpose of establishing an academy, and other public schools and seminaries of learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

The land
granted, to be
located agree-
ably to act of
12th April,
1792.

SEC. 4 That the several quantities of land, to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary as the President may judge expedient, agreeably to an act passed the twelfth day of April, one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

[*John Cleves Symmes' Patent, 1 v. L. U. S. p. 497.*]

Receipt of
monies, &c.
acknowledg-
ed and act re-
cited.

Know ye, that whereas it appears to me, George Washington, President of the said United States, that John Cleves Symmes, in behalf of himself and his associates, in pursuance of a contract made and executed on the fifteenth day of October, one thousand seven hundred and eighty-eight, between Arthur Lee, Walter Livingston, and Samuel Osgood, commissioners of the board of treasury, and Jonathan Dayton and Daniel Marsh, and the said John Cleves Symmes, hath paid into the treasury of the United States the sum of one hundred and sixty-five thousand six hundred and ninety-three dollars and forty-two cents, in certificates and warrants for military rights to lands: whereby, and by virtue of the act of the Congress of the United States, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," passed the fifth day of May, one thousand seven hundred and ninety-two, the said John Cleves Symmes, and his associates, are become entitled to receive from the United States letters patent, granting and conveying to him and them, two hundred and forty-eight thousand five hundred and forty acres of land: And whereas, in and by the said contract, it was stipulated and agreed, by and between the said Arthur Lee, Walter Livingston, and Samuel Osgood, commissioners on the part of the United States, and the said Jonathan Dayton and Daniel Marsh, and the said John Cleves Symmes, that out of each township, which should fall within the grant to be made to the said John Cleves Symmes, and his associates, a reservation should be made to the United States, of the four lots, marked 8, 11, 26 and 29, for such purposes as shall, by the Congress of the United States, be directed; and lot No. 16, for the mainte-

nance of public schools, the same being pursuant to the regulations contained in an ordinance of the United States in Congress assembled, bearing date the twentieth day of May, one thousand seven hundred and eighty-five: And whereas, in and by the aforesaid act of Congress of the United States, passed the fifth day of May, one thousand seven hundred and ninety-two, the president of the United States was authorized and empowered by letters patent, to grant and convey unto the said John Cleves Symmes, and his associates, their heirs, and assigns, in trust for the purpose of establishing an academy, and other public schools and seminaries of learning, one complete township, conformably to an order of Congress, made the second day of October, one thousand seven hundred and eighty-seven: And whereas, it appears expedient to reserve to the United States, out of the tract of land hereby intended to be granted, the quantity of fifteen acres of land, for the accommodation of fort Washington and the garrison thereof, including the said fort; and also, a quantity of land equal to one mile square, at or near the mouth of the Great Miami river, to be located as hereafter mentioned.

Ordinance re-cited.

Now these presents testify, that I, the said George Washington, President of the United States, in the name and by the authority of the said United States, in consideration of the premises, in pursuance of the said act of the Congress of the United States, passed the fifth day of May, 1792, and by virtue of the authority thereby in me reposed, have granted and confirmed, and by these presents do grant and confirm, unto the said John Cleves Symmes, and his associates, and to his and their heirs and assigns, all that tract of land, beginning at the mouth of the Great Miami river; and extending from thence, along the river Ohio, to the mouth of the Little Miami river, bounded on the south by the said river Ohio, on the west by the said Great Miami river, on the east by the said Little river Miami, and the north by a parallel of latitude, to be run from the said Great Miami river to the said Little Miami river, so as to comprehend the quantity of three hundred and eleven thousand six hundred and eighty-two acres of land, with the appurtenances, reserving to the United States, out of the said tract, the quantity of fifteen acres of land, for the accommodation of fort Washington and the garrison thereof, including the space of ground occupied by the said fort, to be located in such part of the said tract, and by such person, as the President of the United States shall direct; and also, reserving out of the said tract, a quantity of land equal to one mile square, at or near the mouth of the said Great Miami river, to be located by such person as the President of the United States shall appoint for that purpose: *Provided*, That a law be passed by the Congress of the United States to authorize the same, within the space of two years

Tract granted to Symmes.

Proviso.

Proviso.

from and after the date of these presents; and that the President of the said United States shall appoint a person to make such location, within one year after such law shall be passed, and not otherwise: *And provided also*, That the same law shall authorize the President of the United States to make, and the President of the United States shall make and execute to the said John Cleves Symmes, and his associates, their heirs, and assigns, a grant and release of the aforesaid fifteen acres, reserved for the use and accommodation of fort Washington and the garrison thereof; and also reserving to the said United States, out of each township, contained in the said tract; the following lots, viz: lot No. 16, for the purposes mentioned and specified in the ordinance of the United States in Congress assembled, passed on the twentieth day of May, one thousand seven hundred and eighty-five; lot No. 29, for the purposes of religion; and lots No. 11, No. 8, and No. 26, for such purposes as the Congress of the United States shall hereafter direct: To have and to hold the said tract of land, bounded and described as aforesaid, with the appurtenances, to the said John Cleves Symmes, and his associates, his and their heirs and assigns, to his and their proper use and behoof forever, according to their respective rights and interest therein; upon this condition, however, and not otherwise, that the said John Cleves Symmes, and his associates, his and their heirs and assigns, shall and do cause the said parallel of latitude, forming the northern boundary of the tract herein before described, to be truly run, surveyed, and laid out, and return thereof made to the secretary of the treasury, for the time being, within the space of five years, from and after the date of these presents; otherwise, as well these presents, as the estate hereby granted, shall cease and become void: which parallel of latitude shall be run from certain points or stations, which shall have been ascertained and fixed by Israel Ludlow, upon the said Great and Little Miami rivers, according to a survey by him made, of the courses of the said rivers, under the direction of the department of the treasury, and heretofore certified to that department, by a certificate, bearing date the twenty-fourth day of March, seventeen hundred and ninety-four, and in pursuance of the said act of the Congress of the United States, herein before mentioned, passed the fifth day of May, one thousand seven hundred and ninety-two: It is hereby declared, that one complete township or tract of land, of six miles square, to be located with the approbation of the governor, for the time being, of the territory northwest of the river Ohio, and in the manner, and within the term of five years aforesaid, as nearly as may be, in the centre of the tract of land herein before granted, hath been and is granted, and shall be holden in trust, to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other pub-

lic schools and seminaries of learning, and endowing and supporting the same, and to and for no other use, intent, or purpose whatever.

In testimony whereof, I have caused these letters to be made patent; and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Philadelphia, the thirtieth day of September, in the year of our Lord [L. s.] one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

By the president,

EDMUND RANDOLPH.

[Sub-division of Ludlow's survey not included in Symmes' patent; March 3, 1801, 3 v. L. U. S. p. 431.]

SEC. 7. That all the aforesaid tract of country shall be surveyed by the surveyor general, as soon as may be, after the first day of September next, in the manner herein after directed:

1. So much of the said tract as lies between the northern boundary line, and the aforesaid patent of John Cleves Symmes, and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforesaid lines, for the corners of sections, shall be established by the surveyor general; and eastwardly and westwardly lines shall be run to intersect the aforesaid northwardly and southwardly lines, in the corresponding marked points. Part to be laid off into sections.

2. And the residue of the said tract, lying north of the aforesaid southern boundary of the seventh entire range, shall be laid off into sections; according to such uniform rule and method as, in the opinion of the surveyor general, shall best secure the rights and interest of those who are entitled to pre-emption. Residue to be laid off according to rule prescribed by surveyor general.

3. Such divisions shall be made of sections, according to the claim of such who obtain pre-emption right; and the contents of each and every section, and such division thereof, shall be ascertained, and the surveyor general shall prepare and transmit a plan thereof to the aforesaid register, immediately after the said survey shall be completed, and also forward a copy thereof to the secretary of the treasury.

SEC. 8. That all persons availing themselves of a pre-emption under this act, shall make application for a section, The purchaser shall make

payment for
and hold the
quantity ex-
pressed in the
returned
plats.

or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.*

*By the act of March 2, 1799, 3 vol. L. U. S. p. 264, sec. 1, persons who made written contracts with J. C. Symmes, prior to 1st April, 1797, and whose lands are not comprehended in his patent, to have a preference at two dollars per acre. Sec. 2. Persons to give notice. Failing to give notice, or to make first payment, pre-emption right to cease. Sec. 3. The surveyor general to survey the lands. Sec. 4. The secretary of the treasury to credit purchaser with the sum expended in surveying. Sec. 5. The evidence of public debt to be received in payment, agreeably to act of March 3, 1797.

The act of 3d March, 1801, 3 vol. L. U. S. p. 428, sec. 1, gives a preference to persons who, before the 1st Jan. 1800, had made contracts in writing, &c. with Symmes, or his associates, or who had paid to him or them money for land situate in Ludlow's survey. Sec. 2. Persons claiming the benefit of this act, to deliver a written notice to the receiver at Cincinnati. Neglecting to give notice, to forfeit right of pre-emption. Sec. 3. The receiver to receive notice and give a receipt. Sec. 4. The receiver, and two other persons to be appointed by the President, to be commissioners to ascertain rights of claimants. They, or any two of them, shall have power to hear and decide all matters, &c. relative to such claims; to give a certificate directed to the register, to record copies, &c. Sec. 5. The register and surveyor general, to permit persons producing certificate and receipt from treasurer, to become purchasers, &c. Sec. 6. The receiver to receive of claimants the following fees: For filing notice, &c. 25 cents; 12½ cents for every hundred words of copy. The claimant shall pay commissioners at the rate of \$5 for every section. Sec. 9. The duties of register and surveyor, shall be the same as directed by act of 10th May, 1810, 3 vol. L. U. S. p. 385. Sec. 10. After completing surveys, and reserving section No. 16, the residue of the lands shall be sold, &c.

Act of May 1, 1802, 3 vol. L. U. S. p. 502, sec. 1, continues in force the act of 3d March, 1801, until the first day of March, 1803. Sec. 2. The provisions of said act extended to persons claiming lands by purchase of Symmes, or associates, without the limits of Ludlow's survey, prior to 1st January, 1800. Sec. 3. Persons who have not obtained certificates shall, before the 1st of November, give notice, &c. The commissioners to meet at Cincinnati, on the second Monday of November next, &c. Sec. 4. Those who obtain pre-emptions to have until 1st January next, to make the first payment.

Act of 3d March, 1803, 3 vol. L. U. S. p. 555, sec. 7, permits persons who have certificates to make the first payment by the 10th of April next, &c.

The act of 26th March, 1804, 3 vol. L. U. S. p. 599, Sec. 7, continues in force the provisions of the act of May 1st, 1802, 3 vol. L. U. S. p. 502, until the 1st day of June next. The register and receiver to perform the duties of the commissioners. No certificate of pre-emption to be granted except in favor of persons who, prior to January 1, 1800, had made written contracts, and unless one twentieth of the purchase money shall be advanced, or paid prior to 1st January next. Persons who obtain pre-emption, allowed until the 1st of January to make payment of the first instalment. Persons who have made improvements prior to 1st April last, &c. entitled to pre-emption, if the improvements, by running the lines, fall into another section or half section. Sec. 8. Persons who have paid, or shall pay first instalment before 1st January next, permitted to pay the residue in six annual equal payments.

The act of March 3d, 1802, 3 vol. L. U. S. p. 541, sec. 5, authorizes the attorney general to locate and accept from Symmes, one complete township for an academy, or take measures to compel an execution of the trust. Symmes, and his associates, to be released on payment of \$15,360.

Sales of Public Lands in Ohio.*

[Act of 18th May, 1796, 2 v. L. U. S. p. 533.]

SEC. 1. That a surveyor general shall be appointed, A surveyor whose duty it shall be to engage a sufficient number of skillful surveyors, as his deputies; whom he shall cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner hereinafter directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office. A surveyor general to be appointed. His power over his deputies.

SEC. 2. That the part of the said lands which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and, during the present session of Congress, may not be, appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines, run according to the true meridian and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers, from the beginning: each distance of a mile between the said corners shall be also distinctly marked, with marks different from those of the corners. One-half of the said townships taking them alternately, shall be subdivided into sections, containing as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and

Rule of division of lands.
Corners of townships how marked.
Half of township to be subdivided into sections.

*See extract from the original charters of Virginia, under title "Virginia Military Bounties," &c. Virginia Chancery Rev. 214; resolution of Congress, of May 20, 1785; of July 23d, 1787; and under title "Ohio Company's Purchase," 1 vol. L. U. S. 562, 569, 573.

Sections how
marked.

Lines how
measured and
marked.

by marking a corner, on each of the said lines at the end of every mile; the sections shall be numbered, respectively, beginning with the number one, in the northeast section, and proceeding west and east alternately, through the township, with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner, made as aforesaid, and within the section, the number of such section, and over it the number of the township within which such section may be; and the said deputies shall carefully note, in their respective field books, the names of the corner trees marked, and the numbers so made: the fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one-half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field book, the true situations of all mines, salt licks, salt springs, and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands: these field books shall be returned to the surveyor general, who shall therefrom cause a description, of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: he shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the sub-divisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the surveyor general's office for public information; and other copies sent to the places of sale, and to the secretary of the treasury.

Reservations. Sec. 3. That a salt spring lying upon a creek which empties into the Scioto river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved for the future disposal of the United States: but there shall be no reservations, except for salt springs, in fractional townships where the fraction is less than three-fourths of a township.

Whenever seven ranges shall be surveyed, sections shall be offered for sale Sec. 4. That, whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Scioto river and the Ohio Company's Purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off, beginning upon the Ohio river and extending westwardly, and the plats thereof made and trans-

mitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor, or secretary of the western territory, and the surveyor general; such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Scioto and the Ohio Company's Purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the secretary of the treasury, in tracts of one-quarter of a township, lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, That no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

SEC. 5. That the secretary of the treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest, and south, of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales, at the different places, shall not commence within less than one month of each other: and when the governor of the western territory, or secretary of the treasury, shall find it necessary to adjourn, or suspend, the sales, under their direction, respectively, for more than three days, at any one time, notice shall be given, in the public newspapers, of such suspension, and at what time the sales will recommence.

SEC. 6. That, immediately after the passing of this act, the secretary of the treasury shall, in the manner herein before directed, advertise for sale the lands remaining unsold in the seven ranges of townships, which were surveyed in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five,* including the lands drawn for the army by the late secretary of war, and also those heretofore sold, but not paid for; the townships which, by the said ordinance, are directed to be sold entire, shall be offered for sale at public vendue, in Philadelphia, under the direction of the secretary of the treasury, in quarter townships, reserving the four centre sections according to the directions of this act. The townships which, by the said ordinance are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile

*Sec 1 vol. L. U. S. p. 562.

square each, reserving the four centre sections as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburgh, in the manner and under the regulations, provided by this act, for the sale of fractional townships: *Provided always,* That nothing in this act shall authorize the sale of those lots which have been heretofore reserved in the townships already sold.

Highest bidder to deposit 1-20th of the purchase money.

Upon payment of a moiety, purchaser to have a year's credit for residue.

Patents to issue upon final payment.

Books to be kept, in which shall be entered dates, &c.

SEC. 7. That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one-twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the secretary of the treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: and on payment of the said balance to the treasurer within the specified time, and producing to the secretary of state a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: and all patents shall be countersigned by the secretary of state, and recorded in his office.* But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided, nevertheless,* That should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per cent, on the part for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. That the secretary of the treasury, and the governor of the territory northwest of the river Ohio, shall, respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale,

*See 4 v. L. U. S. p. 46.

and the dates of the certificates granted to the different purchasers. The governor or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the secretary of the treasury a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain, public highways;* and that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both. Navigable rivers to be public highways.

SEC. 10. That the surveyor general shall receive, for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers, and axe men: *Provided*, That the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed. Compensation of surveyor general.
Expense of surveying.

SEC. 11. That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be: for each certificate, for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: and the said fees shall be accounted for by the receivers, respectively. Fees for services.

SEC. 12. That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally, take an oath, or affirmation, *faithfully to perform the same*: and the person to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond, with sufficient security, for the faithful discharge of his trust: that for receiving, safe keeping, and conveying to the treasury, the money he may receive, he shall be entitled to a compensation, to be hereafter fixed. Officers to take an oath, &c.

* *Quere*. What is navigable and what not? A great many of the larger streams in Ohio, have not been included in public surveys. It has been supposed that such are common public highways.

† Altered—See 3 v. L. U. S. p. 265, ib. 596.

[Act of 10th May, 1800, 3. v. L. U. S. p. 385.]

Four Land
Offices to be
established.

SEC. 1. That, for the disposal of the lands of the United States, directed to be sold by the act, entitled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio; and above the mouth of Kentucky river," there shall be four land offices established in the said territory: One at Cincinnati, for lands below the Little Miami, which have not heretofore been granted; one at Chillicothe, for lands east of the Scioto, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta,* for the lands east of the sixteenth range of townships, south of the before mentioned military lands, and south of a line drawn due west from the northwest corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands: each of the said offices shall be under the direction of an officer, to be called "The Register of the Land Office," who shall be appointed by the President of the United States, by and with the advice and consent of the senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land office is directed to be kept.

Surveyor to
send plats to
Registers.

SEC. 2. That it shall be the duty of the surveyor general, and he is hereby expressly enjoined, to prepare and transmit, to the registers of the several land offices; before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices, respectively, and also to forward copies of each of the said plats to the secretary of the treasury.

Townships
west of the
Muskingum
to be sub-
divided.

SEC. 3. That the surveyor general shall cause the townships west of the Muskingum, which, by the above mentioned act, are directed to be sold in quarter townships, to be sub-divided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the above mentioned act: and the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually sub-divided

Interior lines
to be run and
marked.

* Altered—See 2 v. L. U. S. p. 555, sec. 5.

into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: and in all cases where the exterior lines of the townships, thus to be sub-divided into sections or half sections shall exceed, or shall not extend, six miles, the excess or deficiency shall be specially noted, and added to, or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats, respectively; and all others as containing the complete legal quantity: and the President of the United States shall fix the compensation of the deputy surveyors, chain carriers, and axe men: *Provided*, The whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed, and marked.

The excess or deficiency of townships to be noted.

SEC. 4. That the lands thus sub-divided (excluding the sections reserved by the above mentioned act) shall be offered for sale in sections and half sections, sub-divided as before directed, at the following places and times, that is to say:— Those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April, one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the north western territory: the lands east of Scioto, south of the military lands, and west of the fifteenth range of townships, shall be offered, in like manner, for sale at Chillicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the register of the land office, there established, and of either the governor or secretary of the said territory: the lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale, in like manner, at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the governor or secretary, or surveyor general, of the said territory. The sales shall remain open at each place for three weeks, and no longer. The superintendent shall observe the rules and regulations of the above mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the registers of these respective land offices, in the manner herein after prescribed; and the register of the land office at Steu-

Lands to be offered for sale in sections and half sections.

Lands remaining unsold may be

disposed of at benville, after the first day of July next, may proceed to sell, private sale.

at private sale, the lands situate within the district assigned to his direction, as herein before described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the above mentioned act, and of this act: and the register of the land office at Marietta, after the said first day of July next, may proceed to sell, at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

No lands to be sold for less than \$2 per acre.

SEC. 5. That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, entitled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States," and shall be made in the following manner, and under the following conditions, to wit:

Conditions of sale.

1. At the time of purchase, every purchaser shall, exclusively of the fees hereafter mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one-twentieth part of the amount of purchase money, to be forfeited, if, within forty days, one-fourth part of the purchase money, including the said twentieth part, is not paid.

2. One-fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid; another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.

3. Interest at the rate of six per cent. a year, from the day of sale, shall be charged upon each of the three last payments, payable as they respectively become due.

4. A discount, at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum which would have been demandable by the United States, on the day appointed for such payment.

5. If the first payment of one-fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment, and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day when the payment of one-fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and in the same manner, as the other lands directed by this act

to be disposed of at private sale: *Provided*, That the lands which shall not have been sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale for a price less than the price that shall have been offered for the same at public sale.

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the register of the land office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale: and he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefor shall be forfeited, and the register of the land office may proceed to dispose of the same to any purchaser, as in case of other lands, at private sale.

Tracts not paid for to be offered for sale in one year.

SEC. 6. That all and every the payments, to be made by virtue of the preceding section, shall be made either to the treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the senate, receiver of public monies for lands of the United States, at each of the places, respectively, where the public and private sales of the said lands are to be made; and the said receiver of public monies shall, before he enters upon the duties of his office, give bond, with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said treasurer, and receiver of public monies, to give receipts for the monies by them received, to the persons respectively paying the same; to transmit, within thirty days, in case of public sale, and quarterly, in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received for surveying expenses, and those received for purchase money, to the secretary of the treasury, and to the registers of the land office, as the case may be. The said receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the treasurer of the United States; and the receivers of public monies for the said sales, and also the receivers of public monies for the sales which have taken place at Pittsburg, under the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the

To whom payment is to be made.

Receiver's bond and compensation.

mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe keeping, and transmitting it to the treasury of the United States.

Applications
to purchase,
how entered.

When two or
more persons
apply, how
preference
shall be deter-
mined.

A certificate
to be granted:
credit for part
of purchase
money.

SEC. 7. That it shall be the duty of the registers of the land offices, respectively, to receive and enter, on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter mentioned, and produce a receipt from the treasurer of the United States, or from the receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one-twentieth part of the purchase money, stating carefully, in each entry, the date of the application, the date of the receipt to him produced, the amount of money specified in the said receipt, and the number of the section or half section, township, and range, applied for. If two or more persons shall apply at the same time for the same tract, the register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and, if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and, at his request, to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have within that time produced to him a receipt of the payment of one-fourth part of the purchase money, including the twentieth part above mentioned, enter, under its proper date, in the said book of entries, that the payment has not been made, and the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands; he shall, also, upon any subsequent payment being made, and a re-

ceipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold, either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing, to the secretary of the treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, ^{Patent to issue on final certificate.} his heirs or assigns; and all patents shall be countersigned by the secretary of state, and recorded in his office.

SEC. 8. That the registers of the land offices, respectively, shall also note, on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one-fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall revert to the United States, on failure of the payment of one-fourth part of the purchase money, within three months after the date of application. And the said book of surveys, or original plat, shall be open, at all times, in presence of the register, for the inspection of any individual applying for the same and paying the proper fee. ^{Register to note sales upon the surveys.}

SEC. 9. That it shall be the duty of the registers of the land offices to transmit, quarterly, to the secretary of the treasury, and to the surveyor-general, an account of the several tracts applied for, of the several tracts for which the payment of one-fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also, an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid. ^{Accounts of tracts applied for to be transmitted to secretary.}

SEC. 10. That the registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other in trust for them; and if any register shall wish to purchase any tract of land, he may do it by application in writing to the surveyor-general, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the ^{Register's not to enter their own applications.}

Applications
may be with-
drawn in cer-
tain cases.

same manner which the registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract, shall bear date from the day when their application for the same shall have been entered by the surveyor general in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the register that the same has already been applied for by the said register, or by any other person, insist to make the application, it shall be the duty of the register to enter the same, noting in the margin that the same tract is already purchased; but upon application of the party, made in writing, and which he shall file, he may and shall, at any future time, enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, That the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

Secretary of
treasury to
prescribe fur-
ther regula-
tions.

SEC. 11. That the secretary of the treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

Fees of regis-
ters and how
paid.

SEC. 12. That the registers of the land offices, respectively, shall be entitled to receive from the treasury of the United States, one-half per cent. on all the moneys expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the secretary of the treasury, as directed by this act; and they shall further be entitled to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say, for every original application for land, and a copy of the same, for a section, three dollars, for a half section, two dollars; for every certificate stating that the first fourth part of the purchase money is paid, twenty-five cents; for every subsequent receipt for monies paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

SEC. 13. That the superintendents of the public sales, to

be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," shall receive five dollars a day, for every day whilst engaged in that business; and the accounting officers of the treasury are hereby authorized to allow a reasonable compensation for books, stationary, and clerk hire, in settling the accounts of the said superintendents. Compensation to superintendents.

SEC. 14. That the fee to be paid for each patent, for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same. Fees for patents.

SEC. 15. That the lands of the United States reserved for future disposition, may be let upon leases, by the surveyor general, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable. Lands reserved may be let.

SEC. 16. That each person who, before the passing of this act, shall have erected, or begun to erect, a grist mill or saw mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided*, The person or his heirs, claiming such right of pre-emption, shall produce, to the register of the land office, satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers. Pre-emption for saw or grist mills. Proviso.

SEC. 17. That so much of the "Act, providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," as comes within the purview of this act, be and the same is hereby, repealed. Act repealed.

[Act of 3d March, 1803, 3 v. L. U. S. p. 555.]

SEC. 5. That all the unappropriated lands within the Military Tract, shall be surveyed into half sections, in the manner directed by the act, entitled "An act to amend the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river,"* and that so much of the said lands as lie west of the eleventh range, within the said tract, shall be attached to, and make a part of, the district of Chillicothe, and be offered for sale at that place, Unappropriated lands in the Military Tract to be surveyed.

*See 3 v. L. U. S. p. 385.

under the same regulations that other lands are within the said district.

Lands to be
offered for sale
at Zanesville.

SEC. 6. That the lands within the said eleventh range, and east of it, within the said Military Tract, and all the lands north of the Ohio Company's Purchase, west of the seven first ranges, and east of the district of Chillicothe, shall be offered for sale at Zanesville, under the direction of a register of the land office, and receiver of public monies, to be appointed for that purpose, who shall reside at that place, and shall perform the same duties, and be allowed the same emoluments, as are prescribed for, and allowed to, registers and receivers of the land offices by law.



[Act of 26th March, 1804, 3 v. L. U. S. p. 600.]

Fractional
sections how
to be sold.

SEC. 9. That fractional sections of the public lands of the United States, either north of the river Ohio, or south of the state of Tennessee, shall, under the directions of the secretary of the treasury, be either sold singly, or by uniting two or more together, any act to the contrary notwithstanding: *Provided*, That no fractional sections shall be sold in that manner until after they shall have been offered for sale to the highest bidder, in the manner herein after directed.

Land may be
purchased in
sections, half
or quarter sec-
tions.

SEC. 10. That all the public lands of the United States, the sale of which is authorized by law, may, after they shall have been offered for sale to the highest bidder in quarter sections, as herein after directed, be purchased, at the option of the purchaser, either in entire sections, in half sections, or in quarters sections; in which two last cases the sections shall be divided into half sections by lines running due north and south, and the half sections shall be divided into quarter sections by lines running due east and west.* And in every instance in which a subdivision of the lands of the United States, as surveyed in conformity with law, shall be necessary to ascertain the boundaries or true contents of the tract purchased, the same shall be done at the expense of the purchaser.

Interest no
longer to be
charged.

SEC. 11. That no interest shall be charged on any instalment which may hereafter become due, in payment for any of the public lands of the United States, wherever situated, and which have been sold in pursuance of the act, entitled "An act to amend the act, entitled "An act providing for the sale of the lands of the United States in the territory north-west of the Ohio and above the mouth of Kentucky river," or which may hereafter be sold by virtue of that, or of any other, act of Congress: *Provided*, That such instalments shall

*Repealed. Sec 3 v. L. U. S. p. 637, sec. 3.

be paid on the day on which the same shall become due; but the interest shall be charged and demanded in conformity with the provisions heretofore in force, from the date of the purchase on each instalment which shall not be paid on the day on which the same shall become due: *Provided, however,* That on the instalments which are or may become due before the first day of October next, interest shall not be charged, except from the time they became due until paid; but in failure to pay the said instalments on the said first day of October, interest shall be charged thereon, in conformity with the provisions heretofore in force, from the date of the purchase.

SEC. 12. That the sections which have been heretofore reserved, and are by this act directed to be sold; also, the fractional sections, classed as is by the ninth section of this act directed, and all the other lands of the United States, north of the Ohio and above the mouth of Kentucky river, shall be offered for sale in quarter sections, to the highest bidder, under the directions of the register of the land office, and of the receiver of public monies, at the places, respectively, where the land offices are kept, that is to say: the lands in the district of Chillicothe, on the first Monday of May; the lands in the district of Marietta, on the second Monday of May; the lands in the district of Zanesville, on the third Monday of May; the lands in the district of Steubenville, on the second Monday of June; and the lands in the district of Cincinnati, on the first Monday of September. The sales shall remain open at each place no longer than three weeks; the lands which may be thus sold, shall not be sold for less than two dollars per acre; and shall, in every other respect, be sold on the same terms and conditions, as is provided for the sale of lands sold at private sale. And all the other public lands of the United States, either north of the Ohio or south of the state of Tennessee, which are directed to be sold at public sale, shall be offered for sale to the highest bidder, in quarter sections.

SEC. 13. That whenever any of the public lands shall have been surveyed in the manner directed by law, they shall be divided by the secretary of the treasury into convenient surveying districts; and a deputy surveyor shall, with the approbation of the said secretary, be appointed by the surveyor general for each district, who shall take an oath or affirmation *truly and faithfully to perform the duties of his office*; and whose duty it shall be to run and mark such lines as may be necessary for sub-dividing the lands surveyed as aforesaid, into sections, half sections, or quarter sections, as the case may be; to ascertain the true contents of such sub-divisions; and to record, in a book to be kept for that purpose, the surveys thus made. The surveyor general shall furnish each deputy surveyor with a copy of the plat of the townships and

Lands when
and where to
be offered for
sale.

Surveying dis-
tricts to be es-
tablished.

Duty of deputy
surveyors.

Fees not to be paid by purchasers after 1st July.

fractional parts of townships contained in his district, describing the sub-divisions thereof, and the marks of the corners. Each deputy surveyor shall be entitled to receive from the purchaser of any tract of land, of which a line or lines shall have been run and marked by him, at the rate of three dollars for every mile thus surveyed and marked, before he shall deliver to him a copy of the plat of such tract, stating its contents. The fees payable by virtue of former laws for surveying expenses, shall, after the first day of July next, be no longer demandable from, and paid by, the purchasers. And no final certificate shall thereafter be given by the register of any land office to the purchaser of any tract of land, all the lines of which shall not have been run, and the contents ascertained by the surveyor general or his assistants, unless such purchaser shall lodge with the said register a plat of such tract, certified by the district surveyor.*

Registers' and receivers' additional compensation.

SEC. 14. That, from and after the first day of April next, each of the registers and receivers of public monies of the several land offices established by law, either north of the river Ohio, or south of the state of Tennessee, shall, in addition to the commission heretofore allowed, receive one-half per cent. on all the monies paid for public lands sold in their respective offices, and an annual salary of five hundred dollars, the register and receiver of the land office at Marietta excepted, the annual salary of whom shall be two hundred dollars. And from and after the same day, the fees payable by virtue of former laws, to the registers of the several land offices, for the entry of lands, and for certificates of monies paid, shall no longer be demandable from, nor paid by, the purchasers of public lands. And it shall be the duty of the secretary of the treasury to cause, at least once every year, the books of the officers of the land offices to be examined, and the balance of public monies in the hands of the several receivers of public monies of the said offices, to be ascertained.

Fees for patents no longer required of purchaser.

SEC. 15. That, from and after the first day of April next, the fees heretofore payable for patents for lands shall no longer be paid by the purchasers. And it shall be the duty of every register of a land office, on application of the party, to transmit, by mail, to the register of the treasury, the final certificate granted by such register to the purchaser of any tract of land sold at his office: and it shall be the duty of the register of the treasury, on receiving any such certificate, to obtain and transmit, by mail, to the register of the proper land office, the patent to which such purchaser is entitled;† but in every such instance, the party shall previously pay to the pro-

* Repealed—See 3 v. L. U. S. p. 637.

† Altered.—See 4 v. L. U. S. p. 418.

per deputy postmaster the postage accruing on the transmission of such certificate and patent.*

[Act of February 11th, 1805, 3 v. L. U. S. p. 637.]

SEC. 1. That the surveyor general shall cause all those lands north of the river Ohio, which, by virtue of the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of the Kentucky river," were subdivided, by running through the townships parallel lines, each way, at the end of every two miles, and by marking a corner on each of the said lines, at the end of every mile, to be subdivided into sections, by running straight lines, from the mile corners thus marked to the opposite corresponding corners, and by marking, on each of the said lines, intermediate corners, as nearly as possible equi-distant from the corners of the sections on the same. And the said surveyor general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July last, and on which the surveying fees, had been paid according to law by the purchaser, to be surveyed and marked, by running straight lines from the half mile corners heretofore marked, to the opposite corresponding corners; and intermediate corners shall, at the same time, be marked on each of the said dividing lines, as nearly as possible equi-distant from the corners of the half section on the same line: *Provided*, That the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile which has not yet been surveyed, and which shall be actually run, surveyed, and marked, by virtue of this section. And the expense of making the sub-divisions directed by this section, shall be defrayed out of the monies appropriated, or which may be hereafter appropriated, for completing the surveys of the public lands of the United States.

SEC. 2. That the boundaries and contents of the several sections, half sections, and quarter sections of the public lands of the United States, shall be ascertained in conformity with the following principles, any act or acts to the contrary notwithstanding:

1st. All the corners marked in the surveys, returned by the surveyor general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper corners of sections or sub-divisions of sections, which they were intended to designate; and the corners of

*Sec. 16, of this act, gives the President power to appoint registers and receivers. Sec. 17. Compensation given to superintendents. Sec. 18. Appropriation is made.

half and quarter sections, not marked on the said surveys, shall be placed as nearly as possible equi-distant from those two corners which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper boundary lines of the sections or sub-divisions, for which they were intended; and the length of such lines, as returned by either of the surveyors aforesaid, shall be held and considered as the true length thereof. And the boundary lines, which shall not have been actually run and marked as aforesaid, shall be ascertained, by running straight lines, from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, when no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained by running, from the established corners, due north and south, or east and west, lines, as the case may be, to the water course, Indian boundary line, or other external boundary of such fractional township.

3d. Each section, or sub-division of section, the contents whereof shall have been, or, by virtue of the first section of this act, shall be returned by the surveyor general, or by the surveyor of the public lands south of the state of Tennessee, respectively, shall be held and considered as containing the exact quantity expressed in such return or returns: and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half, or the one-fourth, part, respectively, of the returned contents of the section of which they make part.

Part of the act of 26th March, 1804, 3 v. L. U. S. p. 596, repealed.

SEC. 3. That so much of the act, entitled "An act making provision for the disposal of the lands in the Indiana territory, and for other purposes," as provides the mode of ascertaining the true contents of sections, or sub-divisions of sections, and prevents the issue of final certificates, unless the said contents shall have been ascertained, and a plot, certified by the district surveyor, lodged with the register, be, and the same is hereby, repealed.



[Act of February 28, 1806, 4 v. L. U. S. p. 6.]

Sale of the lot on which Fort Washington was erected.

SEC. 1. That, for the disposal of a certain tract or lot of land, belonging to the United States, in the town of Cincinnati, on the Ohio, being the same on which Fort Washington was erected, the secretary of the treasury shall cause the said tract to be surveyed and laid off into town lots, streets, and avenues, in such manner, and of such dimensions, as he may

judge proper, conforming, as near as may be, to the original plan of the town: when the survey is completed, a plat thereof shall be returned to the surveyor general, on which the lots shall be denominated by progressive numbers, who shall therefrom cause two copies to be made, one to be transmitted to the secretary of the treasury, and the other to the register of the land office at Cincinnati: on the receipt of which plat the secretary of the treasury shall cause the said town lots to be offered to the highest bidder at public sale, to be held at Cincinnati, under the superintendence of the register and receiver of the land office in the district of Cincinnati, on the same terms and conditions as have been provided for the public sale of the public lands of the United States. Six weeks notice shall be given of the day of sale, in at least two newspapers published in the state of Ohio.

[*Act of 3d March, 1807, 4 v. L. U. S. p. 126.*]

SEC. 1. That for the disposal of the lands of the United States, situated between the United States Military Tract and the Connecticut Reserve, a land office shall be established, which shall be kept at such place as the President of the United States may direct: and that, for the disposal of the lands of the United States lying on the Ohio river, between the Cincinnati and Vincennes districts, a land office shall be established at Jeffersonville: and for each of the said offices a register and receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river.

[*Act of 29th February, 1808, 4 v. L. U. S. p. 146.*]

SEC. 1. That all the sections of land heretofore reserved for the future disposition of Congress, not sold or otherwise disposed of, and lying within either of the districts established for the disposition of public lands in the state of Ohio, with the exception of the section numbered sixteen, of the salt springs, and lands reserved for the use of the same, shall be offered for sale in that district within which such reserved

Sections heretofore reserved to be offered for sale.

Proviso.

sections may respectively lie, on the same terms, and under the same regulations, as other lands in the same district: *Provided*, That such sections shall previously be offered to the highest bidder, at public sales, to be held under the superintendence of the registers and receivers of public monies of the land offices, respectively, to which they are attached, on the same terms as have been provided by law for the public sales of the other lands of the United States, and on such day or days as shall, by a proclamation of the President of the United States, be designated for that purpose: *And provided also*, That no such heretofore reserved section shall be sold either at public or private sale, at a less price than four dollars per acre.

[*Act of April 25, 1812, 4 v. L. U. S. p. 418.*]

A general land office established in treasury department.

SEC. 1.. That there shall be established in the department of the treasury an office, to be denominated the general land office; the chief officer of which shall be called the commissioner of the general land office, whose duty it shall be, under the direction of the head of the department, to superintend, execute, and perform, all such acts and things, touching or respecting the public lands of the United States, and other lands patented or granted by the United States, as have heretofore been directed by law to be done or performed in the office of the secretary of state, of the secretary and register of the treasury, and of the secretary of war, or which shall hereafter by law be assigned to the said office.

Commissioner to keep a seal. Copies evidence.

SEC. 4. That the said commissioner shall cause a seal of office to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, or papers, belonging to the said office, under the signature of the said commissioner, or, when the office shall be vacant, under the signature of the chief clerk, and the said seal, shall be competent evidence in all cases in which the original records, books, or papers, could be evidence.

Patents to be signed by President, &c.

SEC. 8. That all patents issuing from the said office, shall be issued in the name of the United States, and under the seal of the said office, and be signed by the President of the United States, and countersigned by the commissioner of the said office, and shall be recorded in the said office, in books to be kept for the purpose.

Returns to be made to commissioner.

SEC. 9. That all returns relative to the public lands, heretofore directed to be made to the secretary of the treasury, shall hereafter be made to the said commissioner, who shall have power to audit and settle all public accounts relative to the public lands: *Provided*, That it shall be the

duty of the said commissioner, upon the settlement of any such account, to certify the balance, and transmit the account, with the vouchers and certificate, to the comptroller of the treasury, for his examination and decision thereon.*

[*Act of February 4, 1815, 4 v. L. U.S. p. 789.*]

SEC. 1. That all that tract of land lying between the foot of the rapids of the river Miami of lake Erie and the western line of the Connecticut Reserve, in the state of Ohio, which was ceded to the United States, by certain tribes of Indians, at a treaty concluded at Brownstown, in the Michigan territory, on the twenty-fifth day of November, one thousand eight hundred and eight, shall be attached to, and made a part of, the district of Canton.

SEC. 2. That in surveying and dividing the lands by this act attached to the district of Canton, the ordinary mode of surveying the public lands shall be so far deviated from, that the boundary lines of the tracts to be laid off therein shall be run parallel to, and at right angles with the road laid out in conformity with the said treaty, and in every other respect the surveys shall be made in the same manner, and for the same compensation allowed for the surveying, the other public lands northwest of the river Ohio.†

[*Act of April 26, 1816, 1 sess. 14th Congress, p. 93.*]

SEC. 1. That so much of the tract of land of two miles square, at the lower rapids of Sandusky river, ceded by the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Patawatimies, Miamies, Eel river, Weeas, Kickapoos, Piankashaws, and Kaskaskias tribes of Indians to the United States, by the treaty of Greenville, of the third of August, one thousand seven hundred and ninety-five,‡ shall, under the direction

*Sec. 2, of this act, authorizes the appointment of a chief clerk. Sec. 3, relates to oaths of officers. Sec. 5, gives the custody of papers, &c. relative to lands, to commissioner. Sec. 6, requires commissioner to make plats, &c. Sec. 7, makes it the duty of commissioner to record military warrants. Sec. 10, forbids commissioner, &c. from purchasing lands. Sec. 11, authorizes President to make the appointment of commissioner, &c. and declares his salary shall be equal to that of the auditor of the treasury. Sec. 12, authorizes commissioner to appoint clerks, &c.

†Sec. 3, of this act, provides for the sale of the lands at such time and place, as the President shall direct, and that the lands remaining shall be sold as others. Sec. 4. The compensation of register and receiver to be \$4 per day.

‡See Treaty.

Proviso.

of the surveyor general, be laid off into town lots, streets and avenues, and into out-lots, in such manner, and of such dimensions as he may judge proper: *Provided*, The tract so to be laid off shall not exceed the quantity of land contained in one entire section, nor the town lots one quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the surveyor general, on which the town lots and out-lots shall respectively be designated by progressive numbers, who shall cause two copies to be made, one to be transmitted, with a copy of the field notes, to the commissioner of the general land office, and the other to the register of the land office at Wooster.

Exterior lines to be resurveyed and marked.

SEC. 2. That previously to the disposal at public sale of the before mentioned tract of land, the surveyor general shall, and he is hereby directed to resurvey and mark the exterior lines of the said tract, conformably to the survey made in [the] year one thousand eight hundred and seven, by virtue of the act of the third of March, one thousand eight hundred and five, and also to cause divisional lines to be run through each fractional section, and of the adjoining quarter section, so that each sub-division, having one front on the river, may contain, as nearly as may be, eighty acres each. And in like manner to cause the large island, lying in the west half of section number one, to be surveyed, and the same to be divided into two equal parts: *Provided*, That in running the sub-divisional lines, no interference shall be made affecting the selection or location hereafter to be made under the direction of the secretary of war: *Provided also*, That in no case shall the sub-divisional lines be so run as to extend to, or embrace the bed of the river, which shall be deemed, and is hereby declared to be a public highway: *And provided also*, That the whole expense of resurveying and marking the exterior lines of the said cession, and running and marking the sub-divisional lines of the fractional and quarter sections lying adjacent to the river, shall not exceed three dollars for every mile actually surveyed, resurveyed and marked, by virtue of this and the preceding section.

Proviso.

Proviso.

Proviso.

[Act of April 27th, 1816, 1 sess. 14th Congress, p. 112.]

Land to be laid off into lots.

SEC. 1. That so much of the tract of land of twelve miles square, at the "British Fort of the Miami of the Lake, at the foot of the Rapids," ceded by the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Patawatamies, Miamies, Eel River, Weecas, Kickapoos, Piankashaws, and Kaskaskias tribes of Indians, to the United States, by the treaty of Greenville, of the third of August, one thousand seven hundred and ninety-five, shall, under the direction of the sur-

veyor general, be laid off into town lots, streets, and avenues, and into out-lots, in such manner and of such dimensions, as he may judge proper: *Provided*, The tract so to be laid off shall not exceed the quantity of land contained in two entire sections, nor the town lots one quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the surveyor general, on which the town lots and out-lots shall, respectively, be designated, by progressive numbers, who shall cause two copies to be made, one to be transmitted, with a copy of the field notes, to the commissioner of the general land office, and the other to the register of the land office at Wooster.

SEC. 2. That previously to the disposal at public sale of the before mentioned tract of land, the surveyor general shall, and he is hereby directed, to resurvey and mark the exterior lines of the said tract, conformably to the survey made in December, one thousand eight hundred and five, by virtue of the act of the third of March, one thousand eight hundred and five, and also to cause divisional lines to be run through each section and fractional section binding on the said river, so that each sub-division may contain, as nearly as may be, one hundred and sixty acres each. And in like manner, to cause the "Great Island," lying at the foot of the rapids, in the said river, to be surveyed, and by lines, running north and south, to divide the same, as nearly as may be, into six equal parts, that is to say, that part of the said island, described in the survey of the said cession, as lying in township number three, in four parts; and that part of the said island lying in township number four, into two parts: *Provided*, That in running the sub-divisional lines no interference shall be made affecting or impairing the rights of persons to whom letters patent have been granted for land lying within the limits of the said twelve miles square, nor affecting the selection or location hereafter to be made under the direction of the secretary of war, for military purposes: *Provided also*, That in no case, shall the sub-divisional lines be so run as to extend to, or embrace the bed of the river, which shall be deemed, and is hereby declared to be a public highway: *And provided also*, That the whole expense of resurveying and marking the exterior lines of the said cession and of the sub-divisional lines of the sections, lying adjacent to the river, shall not exceed three dollars for every mile actually surveyed, resurveyed, and marked, by virtue of this and the preceding section.

[Act of February 22d, 1817, 2d sess. 14th Congress, p. 204.]

SEC. 1. That, from and after the first day of September next, the sections designated by number two, five, twenty, twenty-three, thirty, and thirty-three, in each and every

township of the public lands, the sale of which is now, or hereafter may be, authorized by law, shall be offered for sale either in quarter sections, or half quarter sections, at the option of the purchaser; and in every case of the division of a quarter section, the portion shall be made by a line running due north and south, and in every other respect the said sections shall be offered, whether at public or private sale, on the same terms and conditions as have been or may be, by law, provided for the sale of the other public lands of the United States.

[*Act of March 3, 1819, 2d sess. 15th Congress, p. 93.*]

Errors in making entries may be corrected.

SEC. 1. That, in every case of a purchaser of public lands, at private sale, having entered, at the land office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application, for that purpose, to the register of the land office; and if it shall appear, from testimony satisfactory to the register and receiver of public monies, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration, or change, of the original marks and numbers at corners of the tract of land; or that it has, in any otherwise, arisen from mistake or error of the surveyor, or officers of the land office; the said register and receiver of public monies shall report the case, with the testimony, and their opinion thereon, to the secretary of the treasury, who shall have power to direct, if in his opinion it shall be proper, that the purchaser shall be at liberty to withdraw the entry so erroneously made, and that the monies which had been paid, shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which shall have been purchased at the same office.

[*Act of March 3, 1819, 2d sess. 15th Congress, p. 88.*]

Districts of Pi-qua and Delaware established.

SEC. 1. That, for the sale of the unappropriated public lands, in the state of Ohio, to which the Indian title is extinguished, the following districts shall be formed, and land offices therefor established: All the public lands, as aforesaid, lying between the western boundary line of the state of Ohio, and a north and south line to be drawn at forty-eight miles east of the said boundary line, and bounded on the south by the Indian boundary, established by the treaty of Greenville, and on the north by the northern boundary of the state of Ohio, shall form a district, for which a land office shall be

established at Piqua: and all the public lands, as aforesaid, lying between the above described district and the western limits of the Connecticut Reserve and Canton land district as first established, and bounded on the south by the Indian boundary established by the treaty of Greenville, and on the north by the northern boundary of the state of Ohio, shall form a district, for which a land office shall be established at the town of Delaware.



[Act of April 24, 1820, 1st sess. 16th Congress, p. 45.]

SEC. 1. That, from and after the first day of July next, all the public lands of the United States, the sale of which is, or may be authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and, when offered at private sale, may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall run north and south, and the corners and contents of half quarter sections, which may thereafter be sold, shall be ascertained in the manner, and on the principles, directed and prescribed by the second section of an act, entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be sub-divided into half quarter sections, under such rules and regulations as may be prescribed by the secretary of the treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.

Lands may be sold in half qr. sections after July 1st, 1820.

Division of half quarters how made.

SEC. 2. That credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the first day of July next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce, to the register of the land office, a receipt from the treasurer of the United States, or from the receiver of public monies of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same

No credit on public lands after July 1st, 1820.

The highest bidder at public sale failing

to pay, the
land to be
again offered.

was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

Price of public
lands at sale.

SEC. 3. That, from and after the first day of July next, the price at which the public lands shall be offered for sale, shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who shall make payment as aforesaid, shall be the purchaser; but no lands shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which shall have been offered at public sale before the first day of July next, and which shall then remain unsold, as well as the lands that shall thereafter be offered at public sale according to law, and remain unsold at the close of such public sale, shall be subject to be sold at private sale, by entry at the land office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry as aforesaid; with the exception, however, of the lands which may have reverted to the United States, for failure in payment, and of the heretofore reserved sections for the future disposal of Congress, in the states of Ohio and Indiana, which shall be offered at public sale, as herein after directed.

Exceptions.

Lands revert-
ed to be first
offered at pub-
lic sale, &c.

SEC. 4. That no lands which have reverted, or which shall hereafter revert, and become forfeited to the United States, for failure in any manner to make payment, shall after the first day of July next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such lands which shall have reverted before the said first day of July next, and which shall then belong to the United States, together with the sections, and parts of sections, heretofore reserved for the future disposal of Congress, which shall, at the time aforesaid, remain unsold, shall be offered at public sale to the highest bidder, who shall make payment therefor, in half quarter sections, at the land office for the respective districts, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose; and all lands which shall revert and become forfeited for failure of payment after the said first day of July next, shall be offered in like manner, at public sale, at such time or times as the President shall, by his proclamation, designate for the purpose: *Provided*, That no such lands shall be sold at any public sales hereby authorized, for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment; and all the lands offered at such public sales, and which shall remain unsold at the close thereof, shall be subject to entry at private sale, in the same manner, and at

Proviso.

the same price, with the other lands sold at private sale at the respective land offices.*

[*Act of May 24th, 1824, 1st sess. 18th Cong. p. 74.*]

SEC. 1. That where any mistake, in relation to the correct numbers of any tract of land, not exceeding in quantity one half section, may have been heretofore made by any purchaser of the public lands of the United States at private sale, and where one or more payments shall have been made by the person making the entry, on any tract entered by mistake, and where such payment has not been forfeited, previously to the passing of this act, for a failure to complete the payments on such tract; and where the purchaser or purchasers may not, in relation to said tract, have in any way taken advantage of the provisions of the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of the public lands prior to the first day of July, eighteen hundred and twenty," or of the act supplementary thereto, or the act continuing in force said supplementary act, and where the person or persons making the purchase has not, in any way, transferred his, her or their, right to the certificate of purchase, or the tract so purchased, and where no patent shall have issued for the tract so erroneously purchased; and, also, in all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract thus erroneously entered, does not, in quantity, exceed one half section; and where the certificate of the original purchaser or purchasers, has not been assigned, or the right of the original purchaser or purchasers in any way transferred, and where six months, from the time the entry shall have been made, may not have elapsed, or the patent issued for the tract erroneously entered, the purchaser or purchasers, or in case of his, her, or their death, the legal representatives, (not being assignees or transferees,) may, either in the cases of entry before or after the passing of this act, and in any case coming within its provisions, file his, her, or their own affidavit or affidavits, with such additional evidence as can be procured, shewing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion or opinions, both as to (the) existence of the mistake, and the credibility of each person testifying thereto,

Mistakes in
entries how
rectified.

*Sec. 5, of this act, states how long sales shall be kept open. Sec. 6. When two persons apply for same tract the highest bidder shall have it.

to the commissioner of the general land office, who, if he be entirely satisfied (that) the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, shall be authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry: *Provided*, That the oath of the person or persons interested shall, in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry: *And provided, also*, That nothing herein contained shall affect the right of third persons.*

[Act of May 24th, 1824, 1st sess. 18th Cong. p. 78.]

Mode of surveying may be changed.

SEC. 1. That, whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water course, would promote the public interest, he may direct the surveyor general, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

[Act of May 26, 1824, 1st sess. 18th Cong. p. 98.]

Right of pre-emption to one quarter section for seat of justice.

Proviso.

Proviso.

SEC. 1. That there be granted to the several counties or parishes of each state and territory of the United States, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter section of land, in each of the counties or parishes, of said states and territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: *Provided*, The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further*, That the seat of justice for said counties or parishes, respectively, shall be fixed previously to a sale of the adjoin-

*Sec. 2, of this act, makes a person swearing falsely, guilty of perjury. Sec. 3. The register and receiver to have 25 cents for every 100 words of the evidence sent to the land office.

ing lands within the county or parish for which the same is located.

SEC. 2. That so much of such acts, heretofore passed, ^{Part of acts} granting to states rights of pre-emption, for county or parish ^{repealed.} purposes, as requires said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby, repealed.



[Act of January 12th, 1825, 2d sess. 18th Congress, p. 4.]

SEC. 1. That every person, or the legal representative of every person, who is, or may be, a purchaser of a tract of land from the United States, the purchase whereof is, or may be void, by reason of a prior sale thereof by the United States, or by the confirmation, or other legal establishment of a prior British, French, or Spanish grant thereof, or for want of title thereto in the United States, from any other cause whatsoever, shall be entitled to repayment of any sum or sums of money, paid for, or on account of, such tract of land, on making proof, to the satisfaction of the secretary of the treasury, that the same was erroneously sold, in manner aforesaid, by the United States, who is hereby authorized and required to repay such sum or sums of money, paid as aforesaid. ^{When a purchase of land is void, &c. money to be refunded.}

NOTE—By the act of 3d March, 1807, 4 v. L. U. S. p. 126, sec. 2, the lands in the district between the United States Military Tract and Western Reserve, except sec. 16, and 13 sections, including the lower town of the Delaware tribe, are directed to be sold as other lands. Sec. 3. Fixes compensation of superintendent. Sec. 4. Authorizes President to commission register, &c.

The act of April 1st, 1808, sec. 1, 4 v. L. U. S. p. 159, authorizes the President to offer a part of the lands in any district, and at other times, the residue.

The act of March 2, 1809, sec. 1, 4 v. L. U. S. p. 218, gives purchasers, sales by virtue of pre-emption right excepted, when the time shall expire before the 1st of January next, a further time of two years to make payment. The arrears of interest to be paid, and the principal to bear interest. The whole to be paid in two equal annual instalments.

Act of February 24th, 1810, sec. 1, 4 v. L. U. S. p. 246, provides that applications to purchase lands shall be in writing, subscribed and filed.

Act of April 30th, 1810, sec. 1, 4 v. L. U. S. p. 289, gives to purchasers prior to 1st January, 1806, sales by virtue of pre-emption right excepted, who have inhabited, &c. one tract, a further term of two years to make payment, to be calculated to commence one year after the last payment became due. Payment to be made in two instalments, with interest: on failure, land to be sold. When any tract, not more than 640 acres, has reverted to the United States, since January 1st, original purchaser may enter the same.

Act of February 25th, 1811, sec. 1, 4 v. L. U. S. p. 327, authorizes the President to remove the land office from Canton to some suitable place within the district. Sec. 3. When lands are to be sold for non-payment, they may be sold at public vendue when court shall sit.

Act of January 14th, 1812, sec. 1, 4 v. L. U. S. p. 372. No tract of public lands to be sold for less than \$2 per acre.

Act of April 23d, 1812, sec. 1, 4 v. L. U. S. p. 414. Persons who purchased prior to April 1st, 1808, not exceeding 640 acres, allowed three years

from 1st of January, 1813. Payment to be made in four equal annual instalments. Lands to be sold for non-payment.

Act of July 6th, 1812, sec. 1, 4 v. L. U. S. p. 476, extends the provisions of the act of 23d April, 1812, to purchasers of fractional sections. Sec. 2. The benefit of said act extended to assignees. Sec. 3. Lands which revert to the United States, before the 1st of August next, may be re-entered by purchaser.

Act of March 3d, 1813, sec. 1, 4 v. L. U. S. p. 514, gives a further time of three years to persons who purchased not exceeding 640 acres, prior to April 1st, 1809. Interest to be paid by 1st of June, up to that day, and the residue to be paid in three equal annual payments, &c.

Act of February 24th 1814, sec. 1, 4 v. L. U. S. p. 646, gives a further time of three years to those who purchased prior to April 1, 1810. The conditions the same as the preceding act. The benefits of this act not to extend to persons who purchased at any land office prior to the 1st of April, 1809.

Act of February 4th, 1815, sec. 1, 4 v. L. U. S. p. 790, allows a further credit of three years to those who purchased after April 1st, 1810 and prior to April 1st, 1811.

Act of April 26th, 1816, sec. 2, 1st sess. 14th Congress, p. 93, excepts from sale town-lots and out-lots for the support of schools as in the opinion of the secretary of the treasury may be necessary. Lands to be offered at Wooster and not to sell for less than \$2; in-lots for not less than \$20; and out-lots for not less than \$5 per acre. Lands not sold at auction to be sold as other lands at Wooster.

Act of April 27th, 1816, sec. 3, 1st sess. 14th Congress, p. 112, reserves salt springs and sec. No. 16, for schools, and directs the residue to be sold at Wooster. The same prices required as by act of April 26th, 1816.

Act of April 29th, 1816, sec. 1, 1st sess. 14th Cong. p. 125, directs the unlocated lands in the Refugee tract to be sold in the district of Chillicothe. Not to be sold for less than \$2 per acre, and in other respects as other lands. Sec. 2. Superintendents to receive \$4 per day.

Act of March 18th, 1818, sec. 1 and 2, 1st sess. 15th Congress, p. 16, authorizes the residue of the 100,000 acres to be surveyed and sold at the district of Marietta. See "Ohio Company's Purchase."

Act of April 18th, 1818, sec. 1, 1st sess. 15th Congress, p. 55, suspends the operation of the 6th condition of the 5th sec. of the act of May 10th, 1808—3 v. L. U. S. p. 335.

Act of March 3d, 1819, sec. 1, 2d sess. 15th Congress, p. 74, suspends the operation of the 6th condition of the 5th sec. of the act of May 10th, 1808—3 v. L. U. S. p. 385.

Act of March 3d, 1819, 2d sess. 15th Congress, p. 88. Sec. 2. President authorized to appoint a register, &c. for each district (Piqua and Delaware.) Sec. 3. Lands to be sold, except No. 16, at not less than \$2 per acre, &c. Sec. 4. President authorized to remove land office to any place in the district. Sec. 5. Compensation to superintendents.

Act of March 20th, 1820, sec. 1, 1st sess. 16th Congress, p. 25, suspends the operation of the 6th condition of the 5th sec. of the act of May 10th, 1808—3 v. L. U. S. p. 335, until March 31st, 1821.

Act of May 11th, 1820, sec. 1, 1st sess. 16th Congress, p. 68, authorizes the sale of 13 sections reserved by act of March 3d, 1807—4 v. L. U. S. p. 126, at Wooster. See "Treaties."

Act of March 2d, 1821, 2d sess. 16th Congress, p. 11. Sec. 1. Lands purchased prior to 1st of July, 1820, may be relinquished, by holder of certificate filing a written notice with register, &c. Sums to be applied to lands not relinquished. No repayment to be made by the U. S. When two or more quarters have been purchased, not less than one to be relinquished. Sec. 2. Interest which accrued before 20th September, 1821, remitted. Sec. 3. Debtors divided into three classes; 1st class, those who have paid one-fourth; 2d class, those who have paid one-half; and the 3d class, those who have paid three-fourths. The debts of the 1st to be paid in eight equal annual instalments; of the 2d, in six; and of the 3d, in four. The first instalment of the 3d class shall be paid on the 30th of September; of the 2d, on the 31st of December; and of the 1st, on the 31st of March, 1822. The whole to bear interest, which is to be remitted on punctual payment of instalments. Sec. 4. Deduction of 27½ per cent. on payment of the whole sum

by 30th of Sept. 1822. Sec. 5. Those who have laid off towns entitled to benefit of this act, on condition of remission of interest, and 20 per cent. to sub-purchasers. Sec. 6. Lands forfeited on failure to pay the last instalment within three months. Sec. 7. Written contracts to be filed before 30th September, 1821, or benefit of this act ceases. Fees of register 50 cents.—Sec. 8. Register, &c. to keep an account and report. Sec. 9. No lands purchased prior to 1st July, 1820, not now forfeited, to be forfeited before 30th Sept. 1821. Sec. 10. Lands surrendered not to be sold for two years.

Act of April 20th, 1822, 1st sess. 17th Congress, p. 25. Sec. 1. Persons who have not availed themselves of the act of 2d March, 1821, are allowed until 30th Sept. 1822, to surrender certificates. Sec. 2. Persons who have not accepted the provisions of said act, or who may not avail themselves of the 1st section of this act, may, prior to the 30th Sept. next, file their acceptance and surrender certificates, and receive the benefit of the first aforesaid act. Sec. 3. Persons who have filed certificates may make full payment by 30th September next, and receive the discount under said act. Sec. 4. Receivers, &c. to perform duties as under act of 2d March, 1821. Sec. 5. Lands which would have been forfeited, exempt from forfeiture until 30th September next.

Act of 3d March, 1822, 2d sess. 17th Congress, p. 83. Sec. 1. Act of 2d April, 1822, extended to 30th September next.

Act of May 18, 1824, 1st sess. 18th Congress, p. 50. Sec. 1. Purchasers who have obtained a certificate of further credit under the acts 2d March, 1821, of the 20th April, 1822, and of the 3d March, 1823, are allowed, at any time prior to 10th April, 1825, to file their relinquishment for any section or legal sub-division thereof. Relinquishment allowed on condition that holder of certificate relinquish a sufficient quantity to complete payment on residue retained; or pay balance due in money—37½ per cent. deduction on money paid. Sec. 2. Purchasers completing payment previous to April 10th, 1825, allowed a deduction of 37½ per cent. Sec. 3. Receivers, &c. to make returns. Sec. 4. Fees as allowed by act of 2d March 1821. Sec. 5. Provisions of this act extended to town lots sold on a credit by the United States.

Act of May 26th, 1824, 1st sess. 18th Congress, p. 112. Sec. 1. The benefits of the act of 18th May, 1824, extended to persons who have certificates of further credit for half-quarter sections or for fractions, &c. Sec. 2. Relinquishments to be filed with register where purchased.

Refugee Lands.

[*Resolution of April 23, 1783, 1 v. L. U. S. p. 577.*]

On the report of a committee, consisting of Mr. Osgood, Mr. Wilson, Mr. Madison, Mr. Carroll, and Mr. Williamson, to whom was referred a memorial of brigadier general Hazen, in behalf of himself, officers, and others, Canadian Refugees:

Provision for
Refugees from
Canada.

Resolved, That the memorialist be informed, that Congress retain a lively sense of the services the Canadian officers and men have rendered the United States, and that they are seriously disposed to reward them for their virtuous sufferings in the cause of liberty:

That they be farther informed, that whenever Congress can consistently make grants of land, they will reward, in this way, as far as may be consistent, the officers, men, and others, Refugees from Canada.

[*Resolution of April 13, 1785. ib.*]

On the report of a committee, consisting of Mr. Ellery, Mr. Monroe, Mr. Read, Mr. Williamson, and Mr. Spaight, to whom was referred a petition of Jonathan Eddy, and other Refugees of Nova-Scotia:

Provision for
Refugees from
Nova-Scotia.

Resolved, That Jonathan Eddy, and other Refugees from Nova-Scotia on account of their attachment to the interest of the United States, be recommended to the humanity and particular attention of the several states in which they respectively reside; and that they be informed, that whenever Congress can consistently make grants of land, they will reward, in this way, as far as may be consistent, such Refugees from Nova-Scotia as may be disposed to live in the western country.

[*Act of April 7, 1793, 3 v. L. U. S. p. 37.*]

SEC. 1. That, to satisfy the claims of certain persons claiming lands under the resolutions of Congress, of the
Secretary of war to notify

twenty-third of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as Refugees from the British provinces of Canada and Nova-Scotia, the secretary of the department of war be, and is hereby, authorized and directed, to give notice, in one or more of the public papers of each of the states of Vermont, Massachusetts, New York, New Hampshire, and Pennsylvania, to all persons having claims under the said resolutions, to transmit to the war office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

persons claiming as Refugees.

SEC. 2. That no other persons shall be entitled to the benefit of the provisions of the act than those of the following descriptions, or their widows and heirs, viz: First, Those heads of families, and single persons, not members of any such families, who were residents in one of the provinces aforesaid, prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements, in consequence of having given aid to the United Colonies or States, in the revolutionary war against Great Britain, or with intention to give such aid, and continued in the United States, or in their service, during the said war, and did not return to reside in the dominions of the King of Great Britain, prior to the twenty-fifth of November, one thousand seven hundred and eighty-three. Secondly, The widows and heirs of all such persons as were actually residents, as aforesaid, who abandoned their settlements as aforesaid, and died within the United States, or in their service, during the said war: And thirdly, All persons who were members of families at the time of their coming into the United States, and who, during the war, entered into their service.

Description of persons entitled to the benefit of this act.

SEC. 3. That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme, or district, court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas, or county court, of any state.

Proof before whom to be taken.

SEC. 4. That, at the expiration of fifteen months, from and after the passing of this act, and from time to time thereafter, it shall be the duty of the secretary for the department of war to lay such evidence of claims, as he may have received, before the secretary and comptroller of the treasury, and, with them proceed to examine the testimony, and give their judgment, what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices, and sufferings, in consequence of their attachment to the cause of the United States; allowing, to those of the first class, a quantity not ex-

The secretary of war, &c. to decide the quantity of land due.

Limitation of quantity.

Grants by states or the U. States to be taken as part.

Claims barred if not exhibited.

ceeding one thousand acres; and, to the last class, a quantity not exceeding one hundred; making such intermediate classes as the resolutions aforesaid, and distributive justice, may, in their judgment, require; and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio: *Provided*, That in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States, or individual states, shall be considered, at the just value thereof at the time the same were made, respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same: *Provided, also*, That no claim under this law shall be assignable, until after report made to Congress, as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act.

SEC. 5. That all claims, in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall forever thereafter be barred.*

[Act of February 18, 1801, 3 v. L. U. S. p. 420.]

Fractional townships joining the southern boundary of the U. S. Military lands to be surveyed into half sections of 320 acres.

Priority of location to be determined by lot.

SEC. 1. That the surveyor general be, and he is hereby, directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second ranges of townships, which join the southern boundary line of the military lands, to be sub-divided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the secretary of the treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby, set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, entitled "An act for the relief of the Refugees from the British provinces of Canada and Nova-Scotia."

SEC. 2. That the secretary of the treasury shall, within thirty days after the survey of lands shall have been returned to him as aforesaid, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the persons entitled to lands as

* By the ordinance of May 20, 1785, 1st v. L. U. S. p. 568, three townships adjacent to Lake Erie, were reserved for the Refugees. The resolution was never carried into effect.

aforsaid. The persons thus entitled shall severally make their locations on the second Tuesday of January next, and the patents for the lands thus located shall be granted in the manner directed for military lands, without requiring any fee whatever.

SEC. 3. That the following persons claiming lands under the above mentioned act, shall, respectively, be entitled to the following quantities of land, that is to say: Martha Walker, widow of Thomas Walker, John Edgar, P. Francis Cazeau, John Allen, and Seth Harding, respectively, two thousand two hundred and forty acres, each; Jonathan Eddy, colonel James Livingston, and Parker Clark, respectively, one thousand two hundred and eighty acres, each; and the heirs of John Dodge, one thousand two hundred and eighty acres; Thomas Faulkner, Edward Faulkner, David Gay, Martin Brooks, lieutenant colonel Bradford, Noah Miller, Joshua Lamb, Atwood Fales, John Starr, William How, Ebenezer Gardner, Lewis F. Delesdernier, John McGown, and Jonas C. Minot, respectively, nine hundred and sixty acres, each; and the heirs of Simeon Chester, nine hundred and sixty acres; Jacob Vander Heyden, John Livingston, James Crawford, Isaac Danks, major B. Von Heer, Benjamin Thompson, Joseph Bindon, Joseph Levittre, lieutenant William Maxwell, John D. Mercier, James Price, Seth Noble, Martha Bogart, relict of Abraham Bogart, and formerly relict of Daniel Tucker, and John Halsted, respectively, six hundred and forty acres, each; David Jenks, Ambrose Cole, James Cole, Adam Johnson, the widow and heirs of colonel Jeremiah Duggan, Daniel Earl, junior, John Paskell, Edward Chinn, Joseph Cone, and John Torreyre, respectively, three hundred and twenty acres, each; Samuel Fales, one hundred and sixty acres; which several tracts of land shall, except the last, be located in half sections by the respective claimants.

Names and
quantity of
land granted
to each.

[Act of February 24, 1810, 4 v. L. U. S. p. 246.]

SEC. 1. That all persons having claims under the resolutions of Congress, passed the twenty-third day of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as Refugees from the British provinces of Canada and Nova-Scotia, shall transmit to the war office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

Persons claim-
ing lands as
Refugees to
present their
accounts.

SEC. 2. That no other person shall be entitled to the benefits of the provisions of this act than those of the following descriptions or their widows and heirs, viz: First, Those heads of families, and single persons not members of any

Descriptions
of persons en-
titled to the
benefit of this
act.

such families, who were residents in one of the provinces aforesaid prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements in consequence of having given aid to the United Colonies or States, in the revolutionary war, against Great Britain, or with intention to give such aid, and continued in the United States, or in their service, during the said war, and did not return to reside in the dominions of the King of Great Britain prior to the twenty-fifth day of November, one thousand seven hundred and eighty-three. Secondly, The widows and heirs of all such persons as were actually residents as aforesaid, who abandoned their settlements as aforesaid and died within the United States, or in their service during the said war: And thirdly, All persons who were members of families at the time of their coming into the United States, and who, during the war, entered into their service.

The proof required.

SEC. 3. That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas, or county court, of any state.

Secretary of war, &c. to decide quantity.

SEC. 4. That at the expiration of fifteen months from and after the passing of this act, and from time to time thereafter, it shall be the duty of the secretary for the department of war, to lay such evidence of claims as he may have received, before the secretary and comptroller of the treasury, and, with them, proceed to examine the testimony, and give their judgment, what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices, and sufferings, in consequence of their attachment to the cause of the United States; allowing to those of the first class a quantity not exceeding one thousand acres, and to the last class a quantity not exceeding one hundred, making such intermediate classes as the resolutions aforesaid, and distributive justice may, in their judgment, require, and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services, for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio: *Provided*, That, in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States or individual states, shall be considered at the just value thereof, at the time the same were made, respectively, either in whole or in part, as the case may be, a satisfaction to those

Limitation of quantity.

Proviso.

who may have received the same: *Provided, also,* That no *Proviso.* claim under this law shall be assignable until after report made to Congress as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act.

SEC. 5: That all claims in virtue of said resolutions of Congress which shall not be exhibited, as aforesaid, within the time by this act limited, shall forever thereafter be barred: *Provided,* That no patent shall be issued to any person who may hereafter establish his claim under the said act, until he produce satisfactory evidence, to the secretary of the treasury, that he is at the time then being a resident within the United States. *Claims not exhibited barred.* *Proviso.*

[Act of April 23, 1812, 4 v. L. U. S. p. 414.]

SEC. 1. That the following persons, claiming lands under the act, entitled "An act to revive and continue in force an act entitled 'An act for the relief of the Refugees from the British provinces of Canada and Nova-Scotia,'" passed on the sixteenth day of March, one thousand eight hundred and four, shall, respectively, be entitled to the following quantities of land, that is to say: Charlotte Hazen, widow of Moses Hazen; Chloé Shannon, wife of James Noble Shannon, and relict of Obadiah Ayer, deceased; the heirs of Elijah Ayer, and the heirs of Israel Ruland, respectively, nine hundred and sixty acres; Elijah Ayre, jun. and the heirs of Anthony Burk, respectively, three hundred and twenty acres. And that the following persons, claiming lands under the act, entitled "An act further to provide for the Refugees from the British provinces of Canada and Nova-Scotia, and for other purposes," passed on the twenty-fourth day of February, one thousand eight hundred and ten, shall, respectively, be entitled to the following quantities of land; that is to say: The heirs of James Boyd, two thousand two hundred and forty acres; the heirs of Nathaniel Reynolds, the heirs of Edward Antill and Joshua Sprague, respectively, nine hundred and sixty acres; Robert Sharp, John Fulton, and John Morrison, each, six hundred and forty acres; James Sprague, David Dickey, John Taylor, and the heirs of Gilbert Seamans, deceased, respectively, three hundred and twenty acres; which several tracts of land shall be located within the boundaries of the fractional townships, reserved and set apart for the purpose of satisfying the claims of the Refugees from Canada and Nova-Scotia; and the locations shall be made, and patents granted, in the manner, and on the conditions, prescribed by former laws, except as to the time for making the locations; which locations shall be made on the day or days that the secretary of the treasury shall judge

The names of grantees and quantity to each.

Locations to be made on the fractional reserved townships.

most convenient for the claimants, and shall designate for the purpose.

NOTE.—Act of March 2d, 1803, 3 v. L. U. S. p. 557, sec. 1. Samuel Rogers shall be entitled to 2240 acres, to be located, &c. as designated in act of 18th February, 1801.

Act of March 16th, 1804, sec. 1, 3 v. L. U. S. p. 587, revives and continues in force, for two years, the act of 7th April, 1798.

Act of April 29th, 1816, 1st sess. 14th Cong. p. 125, sec. 1. Lands set apart for Refugees, and not located, attached to Chillicothe district and directed to be sold. If not disposed of at public sale, to be sold as other lands. Not to be sold for less than \$2 per acre. Sec. 2. Superintendents to receive \$4 per day.

Lands of the United Brethren.

[Ordinance of 20th May, 1785, 1 v. L. U. S. p. 568.]

And be it further ordained That the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.

Lands reserved for the use of Christian Indians.

[Resolution of July 27th, 1787, 1 v. L. U. S. p. 569.]

A motion being made in the words following:

Whereas the United States in Congress assembled, have, by their ordinance, passed the 20th of May, 1785, among other things ordained, that the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate:

Resolved, That the board of treasury except and reserve Board of treasury to except out of any contract that they may make for the tract described in the report of the committee which, on the 23d instant, was referred to the said board to take order, a quantity of 10,000 acres. land around and adjoining each of the before mentioned towns, amounting, in the whole, to ten thousand acres; and that the property of the said reserved land be vested in the Moravian Brethren, at Bethlehem, in Pennsylvania, or a Society of the said Brethren, for civilizing the Indians and promoting christianity, in trust, and for the uses expressed as above in the said ordinance; including Killbuck and his descendants and the nephew and descendants of the late captain White Eyes, Delaware chiefs, who have distinguished themselves as friends to the cause of America.

Ordered, That the above be also referred to the board of treasury to take order.

[*Ordinance of September 3d, 1788, 1 τ. L. U. S. p. 579.*]

On a report of a committee, consisting of Mr. Clark, Mr. Williamson, and Mr. Madison, to whom was referred a memorial of John Etwein, of Bethlehem, President of the Brethren's Society for propagating the Gospel among the Heathen:

Preamble.

Whereas the United States in Congress assembled, by their ordinance of the 20th of May, 1785, among other things, ordained that the towns of Gnadenhutten, Schoenbrun, and Salem, with lands adjoining to the said towns, be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society; and by an act of the 27th July, 1787, directed the board of treasury to except and reserve out of any contract they might make pursuant to an order of the 23d of the same month, a quantity of land around and adjoining to each of the before mentioned towns, amounting in the whole to ten thousand acres, and ordered the property of the said towns and reserved lands to be vested in the Moravian Brethren at Bethlehem, in Pennsylvania, or the Society of the said Brethren for civilizing the Indians, and promoting christianity (or as they are called, The Society of the United Brethren for propagating the Gospel among the Heathen) in trust and for the uses expressed in the said ordinance, including others, as mentioned in the said act of 27th July, 1787; and whereas it has been agreed that the plot of each of the towns should be estimated at 666 $\frac{2}{3}$ acres, so that each town and the reserved land adjoining shall make a tract of four thousand acres; and whereas the remnant of the said Christian Indians are desirous of returning to their towns as speedily as possible, and the United Brethren, to facilitate this without loss of time, have offered to advance the expenses of surveying the three tracts, on condition they be repaid, either in money or land:

Geographer to
survey three
tracts.

Ordered, That the geographer of the United States survey, or cause to be surveyed, as speedily as possible, without interfering with the business he is sent to execute, the three tracts of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, including the reserved land adjoining each of the said towns, and return plots thereof to the board of treasury, that deeds may be issued for the same as is mentioned above; and that he also survey, or cause to be surveyed, the intermediate spaces, if any there be, between the said three tracts,

and return plots thereof, with an account of the expense, to the board of treasury; and that the said board, provided it can be done without infringing any contract they may have already made, convey the same to the said United Brethren, or the Society of the said Brethren for propagating the Gospel among the Heathen, upon their paying for the said intermediate space or spaces when the said survey shall be returned by the geographer, at the rate at which such lands are granted to others, and also the expenses attending the surveying and plotting the said spaces, deducting the sum advanced for surveying the three tracts: *Provided*, That in case any of the above mentioned lands shall fall within the supposed bounds of the million of acres reserved for the late army, that the said bounds shall be understood to extend so far to the westward as to include the million of acres exclusive of the above mentioned lands.



[*Act of June 1st, 1796, 2 v. L. U. S. p. 567.*]

SEC. 5. That the said surveyor general be, and he is hereby, required to cause to be surveyed three several tracts of land, containing four thousand acres each, at Shoenbrun, Gnadenhutten, and Salem; being the tracts formerly set apart by an ordinance of Congress, of the third of September, one thousand seven hundred and eighty-eight, for the Society of the United Brethren for propagating the Gospel among the Heathen; and to issue a patent or patents for the said three tracts, to the said Society, in trust, for the uses and purposes in the said ordinance set forth.

Three tracts
of 4000 acres
each to be
surveyed.



[*Act of May 26th, 1824, 1st sess. 18th Cong. p. 107.*]

SEC. 1. That the three several tracts of land, lying in the county of Tuscarawas, in the state of Ohio, lately retroceded to the United States by the Society of the United Brethren, for propagating the Gospel among the Heathen, shall be surveyed and laid off into such lots, having regard to the existing surveys and improvements thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said Society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutten, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants,

Three tracts
to be surveyed
and laid off
into lots, &c.

which shall be platted and numbered, and a cc in said county, according to the laws of Ohio.

NOTE.—Sec. 2, of this act, provides for the appointment of a superintendent to superintend the surveying of the lots, &c.; to ascertain the cash value of the lots, with the improvements, subject to the conditions of the out-lease; to receive a surrender of the leases; and superintend the sale of the lots. Sec. 3. A right of pre-emption granted to John Andreas, J. Jacob Winsh, and Catherine Tschudy, at the real value offered by them. Notice to be given before the lots are valued. Sec. 4. "Lands for the support of the Gospel," &c. Sec. 5. Notice of lands offered for sale at the court-house in New-Philadelphia to be put up at a less sum than the actual cash value. Sec. 6. Terms of sale and bond. Sec. 7. Lots unsold at auction, may be entered at a lower price in Zanesville. Sec. 8. When Christian Indians wish to reserve land on the river Thames, President may designate a reservation of not less than 100 acres, to be held by them as other Indian reservations are held.

Western Reserve of Connecticut and Sufferer's Land.

CESSION FROM THE STATE OF CONNECTICUT.

[September 14th, 1786, 1 v. L. U. S. p. 484.]

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the Congress of the United States, send greeting: Whereas the General Assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "*Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same,* That the delegates of this state, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees, and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the

Act of Connecticut.
Territory to be ceded.
Release, &c.

which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

NOTE.—Sec. 2, of this act, provides for the appointment of an agent to superintend the surveying of the lots, &c.; to ascertain the cash value of the lots, with the improvements, subject to the conditions of the out standing leases; to receive a surrender of the leases; and superintend the sales of land.—
Sec. 3. A right of pre-emption granted to John Andreas, John Neigamen, Jacob Winsh, and Catherine Tschudy, at the real value of the lots occupied by them. Notice to be given before the lots are valued. Sec. 4. See "Lands for the support of the Gospel," &c. Sec. 5. Notice to be given and lands offered for sale at the court house in New-Philadelphia. Lots not to be put up at a less sum than the actual cash value. Sec. 6. Agent's oath and bond. Sec. 7. Lots unsold at auction, may be entered at the land office in Zanesville. Sec. 8. When Christian Indians wish to remove from the river Thames, President may designate a reservation of not less than 24,000 acres, to be held by them as other Indian reservations are held.

Western Reserve of Connecticut and Sufferer's Land.

CESSION FROM THE STATE OF CONNECTICUT.

[September 14th, 1786, 1 v. L. U. S. p. 484.]

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the Congress of the United States, send greeting: Whereas the General Assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "*Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same,* That the delegates of this state, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees, and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the

Act of Connecticut.
Territory to be ceded.
Release, &c.

which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

NOTE.—Sec. 2, of this act, provides for the appointment of an agent to superintend the surveying of the lots, &c.; to ascertain the cash value of the lots, with the improvements, subject to the conditions of the out standing leases; to receive a surrender of the leases; and superintend the sales of land.—
Sec. 3. A right of pre-emption granted to John Andreas, John Neigamen, Jacob Winsh, and Catherine Tschudy, at the real value of the lots occupied by them. Notice to be given before the lots are valued. Sec. 4. See "Lands for the support of the Gospel," &c. Sec. 5. Notice to be given and lands offered for sale at the court house in New-Philadelphia. Lots not to be put up at a less sum than the actual cash value. Sec. 6. Agent's oath and bond. Sec. 7. Lots unsold at auction, may be entered at the land office in Zanesville. Sec. 8. When Christian Indians wish to remove from the river Thames, President may designate a reservation of not less than 24,000 acres, to be held by them as other Indian reservations are held.

Western Reserve of Connecticut and Sufferer's Land.

CESSION FROM THE STATE OF CONNECTICUT.

[September 14th, 1786, 1 v. L. U. S. p. 484.]

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the Congress of the United States, send greeting: Whereas the General Assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "*Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same,* That the delegates of this state, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees, and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the

Act of Connecticut.
Territory to be ceded.
Release, &c.

which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

NOTE.—Sec. 2, of this act, provides for the appointment of an agent to superintend the surveying of the lots, &c.; to ascertain the cash value of the lots, with the improvements, subject to the conditions of the out standing leases; to receive a surrender of the leases; and superintend the sales of land.—
Sec. 3. A right of pre-emption granted to John Andreas, John Neigamen, Jacob Winsh, and Catherine Tschudy, at the real value of the lots occupied by them. Notice to be given before the lots are valued. Sec. 4. See "Lands for the support of the Gospel," &c. Sec. 5. Notice to be given and lands offered for sale at the court house in New-Philadelphia. Lots not to be put up at a less sum than the actual cash value. Sec. 6. Agent's oath and bond. Sec. 7. Lots unsold at auction, may be entered at the land office in Zanesville. Sec. 8. When Christian Indians wish to remove from the river Thames, President may designate a reservation of not less than 24,000 acres, to be held by them as other Indian reservations are held.

Western Reserve of Connecticut and Sufferer's Land.

CESSION FROM THE STATE OF CONNECTICUT.

[September 14th, 1786, 1 v. L. U. S. p. 484.]

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the Congress of the United States, send greeting: Whereas the General Assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "*Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same,* That the delegates of this state, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees, and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the

Act of Con-necticut.
Territory to be ceded.
Release, &c.

which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

NOTE.—Sec. 2, of this act, provides for the appointment of an agent to superintend the surveying of the lots, &c.; to ascertain the cash value of the lots, with the improvements, subject to the conditions of the out standing leases; to receive a surrender of the leases; and superintend the sales of land.—Sec. 3. A right of pre-emption granted to John Andreas, John Neigamen, Jacob Winsh, and Catherine Tschudy, at the real value of the lots occupied by them. Notice to be given before the lots are valued. Sec. 4. See "Lands for the support of the Gospel," &c. Sec. 5. Notice to be given and lands offered for sale at the court house in New-Philadelphia. Lots not to be put up at a less sum than the actual cash value. Sec. 6. Agent's oath and bond. Sec. 7. Lots unsold at auction, may be entered at the land office in Zanesville. Sec. 8. When Christian Indians wish to remove from the river Thames, President may designate a reservation of not less than 24,000 acres, to be held by them as other Indian reservations are held.

Western Reserve of Connecticut and Sufferer's Land.

CESSION FROM THE STATE OF CONNECTICUT.

[September 14th, 1786, 1 v. L. U. S. p. 484.]

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the Congress of the United States, send greeting: Whereas the General Assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "*Be it enacted by the governor, council, and representatives in general court assembled, and by the authority of the same, That the delegates of this state, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees, and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim of the state of Connecticut to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive.*" Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the

Act of Connecticut.
Territory to be ceded.
Release, &c.

power and authority to us committed by the said act of the General Assembly of Connecticut, before recited, in the name and for and on behalf of the said state of Connecticut, do, by these presents, assign, transfer, quit-claim, cede, and convey, to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction, and claim, which the said state of Connecticut hath in and to the before mentioned and described territory or tract of country, as the same is bounded and described in the said act of Assembly, for the uses in the said recited act of Assembly declared.

In witness whereof, we have hereunto set our hands and seals, this thirteenth day of September, in the year of our Lord one thousand seven hundred and eighty-six, and of the sovereignty and independence of the United States of America the eleventh.

WILL. SAM. JOHNSON, [L. S.]
JONATHAN STURGES, [L. S.]

Signed, sealed, and delivered, in the presence of

CHA. THOMPSON,
ROGER ALDEN,
JAS. MATHERS.

On motion.

Resolved, That Congress accept the said deed of cession; and that the same be recorded and enrolled among the acts of the United States in Congress assembled.



[Act of April 28th, 1800, 3 v. L. U. S, p. 364.]

The President
authorised to
issue letters
patent to the
governor of
Connecticut,
&c.

SEC. 1. That the President of the United States be, and he hereby is, authorized to execute and deliver letters patent, in the name and behalf of the United States, to the governor of the state of Connecticut, for the time being, for the use and benefit of the persons holding and claiming under the state of Connecticut, their heirs and assigns, forever, whereby all the right, title, interest, and estate, of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the state of Pennsylvania, and as the same has been actually settled, ascertained, and run, in conformity to an agreement between the said state of Pennsylvania and the state of Virginia, and extending from said line, westward, one hundred and twenty statute miles in length, and in breadth throughout the said limits in length, from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said state of Connecticut out of the cession by the said

state heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed as aforesaid to the said governor of Connecticut, and his successors in said office, forever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided, however, That such letters patent shall not be executed and delivered, unless the state of Connecticut shall, within eight months from passing this act, by a legislative act, renounce forever, for the use and benefit of the United States, and of the several individual states who may be therein concerned, respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said state of Connecticut, and of those claiming from or under the said state, to the soil of said tract of land, herein described under the name of the Western Reserve of Connecticut.

Proviso: letters not to issue without that state renounces jurisdictional claims, &c.

And provided also, That the said state of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said state, duly authorized by the legislature thereof, execute and deliver, to the acceptance of the President of the United States, a deed, expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land, herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said state of Connecticut, together with said deed, releasing said jurisdiction, in the office of the department of state of the United States; which deed of cession, when so deposited, shall vest the jurisdiction of said territory in the United States: *Provided,* That neither this act, nor any thing contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the federal court at Trenton, nor to impair the right of Pennsylvania, or any other state, or of any person or persons claiming under that or any other state, in any existing dispute concerning the right, either of soil or of jurisdiction, with the state of Connecticut, or with any person or persons claiming under the state of Connecticut: *And pro-*

Proviso: Connecticut to execute a deed by agents.

The dispute between Connecticut and Pennsylvania not to be drawn into question by this act.

The U. States *vided also*, That nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.*

DEED AND ACT OF CONNECTICUT.

[May 30th, 1800, 1st v. L. U. S. p. 485.]

Act of Connecticut, May 1800.

Claims renounced.

To all who shall see these presents, I, Jonathan Trumbull, governor of the state of Connecticut, send greeting:

Whereas the General Assembly of the state of Connecticut, at their session holden in Hartford, on the second Thursday of May, one thousand eight hundred, passed an act, entitled "An act renouncing the claims of this state to certain lands therein mentioned," in the words following to wit:— "Whereas the Congress of the United States, at their session, begun and holden in the city of Philadelphia, on the first Monday of December, in the year one thousand seven hundred and ninety-nine, made and passed an act, in the words following, to wit: [here follows the act of Congress, of the 28th of April, 1800:] therefore, in consideration of the terms, and in compliance with the provisions and conditions of the said act, *Be it enacted, by the governor and council, and house of representatives, in general court assembled*, That the state of Connecticut doth hereby renounce forever, for the use and benefit of the United States, and of the several individual states, who may be therein concerned respectively, and of all those deriving claims or titles from them or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward, and southwestward, of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New-York, as ascertained by agreement between Connecticut and New-York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said state of

* By art. 4, of the treaty of Fort Industry, July 4, 1805, it appears that the "Proprietors of the half million of acres of land, lying south of Lake Erie, called Sufferers' Land," furnished an annuity of one hundred and seventy-five dollars to the Wyandots, Munsecs, and Delawares, and those of the Shawanocs and Senecas who resided with the Wyandots. By art. 5, the Ottawas and Chippewas and such of the Pottawatamies as resided on the river Huron, received from said "Proprietors" the sum of \$4,000 in hand, who secured to the President, in trust for them, the further sum of \$12,000, payable in six annual instalments, which several sums, with \$2916 67 cents, to raise said sum of \$175 annuity, over the consideration paid by the agents of the Connecticut Reserve to extinguish the Indian claims to that tract of land.

Connecticut, and of those claiming from or under the said state Governor au-
 of Connecticut, to the soil of said tract of land, in said act thorised to re-
 of Congress described under the name of the Western Reserve linquish claim
 of Connecticut. *And be it further enacted,* That the gover- of jurisdiction,
 nor of this state for the time being, be, and hereby is, &c.
 empowered, in the name and behalf of this state, to execute Deed of re-
 and deliver to the acceptance of the President of the United lease.
 States, a deed of the form and tenor directed by the said act
 of Congress, expressly releasing to the United States the
 jurisdictional claims of the state of Connecticut, to all that
 territory called the Western Reserve of Connecticut, ac-
 cording to the description thereof in said act of Congress, and
 in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, gover-
 nor of the state of Connecticut, by virtue of the powers vest-
 ed in me, as aforesaid, do, by these presents, in the name
 and for and on behalf of the said state, remise, release, and
 forever quit-claim, to the United States, the jurisdictional
 claim of the state of Connecticut, to all that tract of land
 called, in the aforesaid act of Congress, the Western Re-
 serve of Connecticut, and as the same therein under that
 name is particularly and fully described.

In witness whereof, I have hereunto subscribed my name,
 and affixed my seal, in the council chamber at Hart-
 ford, in the state of Connecticut, this thirtieth day of
 May, in the year of our Lord one thousand eight hun-
 dred, and in the twenty-fourth year of the independ-
 ence of the United States.

JONATHAN TRUMBULL, (L. S.)

Sufferers' Land.

[Resolution of Connecticut, of May 10th, 1792.]

(CERTIFIED.)

UPON the memorial of the inhabitants of the towns of Fair-Preamble,
 field and Norwalk, shewing to this Assembly, that many
 of the inhabitants of said towns, suffered great losses
 by the devastations of the enemy, during the late war,
 praying a compensation therefor; and on report of a
 committee appointed by this Assembly, at their sessions
 held at Hartford, in May, 1791, to ascertain from docu-
 ments in the public offices, the amount of the losses of
 the said memorialists, and others, under similar circum-
 stances, which had been estimated conformably to acts

of this Legislature, being such as were occasioned by incursions of the enemy during the late war, distinguishing the losses of buildings and necessary furniture, from those of other articles, by said documents, or otherwise; and also, to ascertain the advancements which have been made to the Sufferers, by abatement of taxes, or otherwise; and report the same, with their opinion relative to the ways and means of affording further relief, as per memorial and report on file.

500,000 acres
released to
Sufferers.

Resolved by this Assembly, That there be, and there hereby is, released and quit-claimed to the Sufferers hereafter named, or their legal representatives, where they are dead, and to their heirs and assigns forever, five hundred thousand acres of the lands belonging to this state, lying west of the state of Pennsylvania, and bounding northerly on the shore of Lake Erie, beginning at the west line of said lands, and extending eastward to a line running northerly and southerly, parallel to the east line of said tract of land belonging to this state, and extending the whole width of said lands, and easterly, so far, as to make said quantity of five hundred thousand acres of land, exclusive of any lands within said bounds, if any be, which may have been heretofore granted to be divided to and among the said Sufferers, and their legal representatives, where they are dead, in proportion to the several sums annexed to their names, as follows, in the annexed list.

OF THE TOWN OF GREENWICH.

Sufferers' names and losses.	£. s. d.			£. s. d.			
	£.	s.	d.	£.	s.	d.	
John Addington	10	0	0	William Blake	3	1	3
Samuel Ask	11	18	2½	Bazaleel Brown	67	15	8
Abigail Armour	6	0	0	Charity Banks	8	4	6
Mary Austin	3	3	7	Silas Betts	217	4	1
Isaac Anderson	44	10	0½	David Bush	159	5	11
Obadiah Banks	41	17	8	James Brundage	30	1	4
Jeremiah Chapman	3	12	11	James Brush	0	0	0
Odel Close, jun.	15	7	11	Samuel Brush	13	13	8
H. N. Church	25	2	0	Deborah Brush	31	5	1
Episcopal Church	0	0	0	Watter Butler	2	0	0
Jonathan Connery	63	0	0	Charles Brundage	3	19	4
Peter Cyphas	22	13	0	Elisha Belcher	39	1	0
James Cunningham	12	0	0	William Brundage	49	10	11
Laurau Brumall	4	0	0	Peter Brown	5	5	0
James Brown	15	5	5½	John Clapp, jun.	129	2	3
William Bush	41	6	9½	Thomas Clapp	333	17	7
John Bush	10	10	9	Odel Close	257	10	3
James Barns	51	9	10½	Jacob Conklin	63	1	3
Samuel Banks	2	15	1½	Newell Conklin	2	19	3
Roger Brown	147	13	10½	Odel Close, Admr.	49	3	10
Isaac Bush	4	10	0	Reuben Coe	33	16	4
Nehemiah Brown	94	16	2	Abraham Close	17	0	0

	£.	s.	d.		£.	s.	d.	
Joseph Close	144	15	2	Ebenezer Hubby	39	11	11	Sufferers' names and losses.
Jonathan Coe	40	10	5	Peter Heusted	86	8	11	
Joseph Chambers	9	0	0	Abraham Heusted	0	0	0	
Deborah Close	12	7	11	Moses Heusted, jun.	2	0	3	
Daniel Carter	4	10	0	Ebenezer Holmes	9	6	8	
Hannah Close	38	15	11	James Hounam	208	17	0	
Thomas Davis	8	5	0	Meeting House	20	0	0	
Stephen Davis	112	14	6	Thomas Hobby	69	19	3	
Daniel Darrow	19	4	4	Benjn. Heusted	6	0	0	
Humphrey Denton	73	19	10	Nathl. Hubby	12	0	0	
John Dunn	15	0	0	Sarah Hait	3	18	0	
Isaac Davis	15	16	0	Joseph Hubby, jr.	31	9	0	
James Ferris	42	13	3	Eliz. Ingersoll	68	14	4	
Uriah Field	212	15	1	Nathl. Ingersoll	59	16	7	
Oliver Fairchild	8	10	8	Wm. Jacobs	60	0	0	
Jabez Ferris	28	5	7	Anne Ingersoll	14	15	6	
Jonathan Finch	0	0	0	Job Ireland		4	1	
Nathuel Finch	27	16	3	Amos Jessup	20	6	0	
Timothy Ferris	16	10	0	Thomas Johnson	41	15	1	
Solomon Finney	17	6	0	Wm. Johnson	8	0	0	
Joshua Franklin	26	16	1	James Johnstone	8	10	0	
Sylvanus Ferris	42	14	4	Israel Knapp, jun.	4	15	5	
Jabez Fitch	41	3	1	Ebenezer Knapp	147	17	6	
Josiah Ferris	20	3	4	Jonah Knapp	44	13	7	
Timothy Finch	60	8	5	Nathaniel Knapp	15	8	0	
Joseph Ferris	11	0	0	Eunice Knapp	14	15	3	
Moses Ferris	6	0	0	Joshua Knapp	125	9	3	
Ezra Finch	86	0	0	John Knapp	23	3	7	
Joseph Ferris	7	0	0	Charles Knapp	11	2	9	
Park Ferris	6	10	0	Wm. Kinch	5	14	2	
John Gregg	213	8	7	Jonathan Knapp	26	2	7	
Charles Green	197	12	4	Ezekiel Knapp	25	7	5	
Anne Griggs	43	12	1	Abraham Knapp	2	6	0	
Jabez Holmes		5	0	Widow Kinch	8	10	0	
Reuben Holmes	32	10	2	Samuel Lockwood	108	14	4	
Mills Hobby	6	0	0	Israel Lockwood	51	4	10	
Isaac Howe	83	19	7	Philip Lockwood	0	0	0	
Mindwell Hitchcock	18	7	10	Enos Lockwood	13	15	0	
Abraham Hayes	23	19	10	Thaddeus Lockwood	54	18	5	
Thomas Hobby, jun.	18	13	4	John Loudin	7	10	0	
Hannah Hayes	1	13	3	Caleb Lyon	9	9	11	
Joseph Hobby, jun.	25	16	5	Joseph Lockwood	30	19	6	
John Hobby	146	4	9	William Lee	7	10	0	
Isaac Holmes	63	10	10	Timothy Lockwood	10	4	8	
David Hallcock		15	0	Hannah Lockwood	29	4	10	
Isaac Holmes, jun.	95	16	11	William Lockwood	18	19	2	
William Hubbard	16	2	3	Gilbert Lyon	16	17	5	
Nathaniel Hibbard	3	2	6	Abraham Lockwood	0	0	0	
Thomas Hitchcock	33	2	0	Amos Lyon	19	5	4	
Nathaniel Heusted	41	7	5	James Lyon	58	12	5	
Ebenezer Howe	13	12	4	Ezekiel Lockwood	9	13	1	
Jona. Hibbard, jun.	31	9	7	James Lyon, jun.	7	10	0	
Benjn. Hubby	34	13	5	Caleb Lyon, jun.	29	7	9	

Sufferers' names and losses.	£.	s.	d.		£.	s.	d.
Theophilus Lockwood	2	0	0	Caleb Mead, 2d	76	11	7
Jonas Mead	20	4	1	Abigail Mead	6	0	0
Andrew Marshall	26	14	3	Jonah Mead	24	12	0
Peter Mead, jun.	41	4	10	Enos Mead	12	12	5
Caleb Mead	33	17	7	Sybil Mead	86	12	0
Reuben Merrit	25	7	9	Angus M'Call	13	2	7
John Mead, jun.	54	16	3	Zacheus Mead	9	14	7
Nathl. Mead, 3d	18	3	5	Ezra Marshall	56	4	9
Jared Mead	68	0	7	Elkanah Mead	7	10	11
Daniel Marshall	22	1	4	John Mesnard	14	0	0
Elizabeth Moore	7	2	0	Andrew Mead	36	0	0
Martin McDonald	4	10	0	Jotham Mead	26	10	6
Ezra Marshall	0	0	0	Eliphalet & Jehiel Mead	85	0	0
Benjamin Mead	111	5	5	Robert Nutt	14	16	4
Rachael Marshall	10	5	5	Francis Nash	64	7	5
Peter Mead, esq.	138	19	9	Daniel Ogden	115	15	2
John Mead	162	9	9	Joseph Palmer	100	9	11
Hannah Mead	2	15	0	Stephen Palmer	6	16	1
Sarah Mead	71	5	4	Sarah Parsons	5	16	4
Ebenezer Mead	5	18	4	Theophilus Peck, jr.	50	6	4
Charles Mead		4	10	Solomon Purdy	83	18	9
Eliphalet Mead, jr.	95	10	6	James Phillips	20	0	0
Jehiel Mead	5	12	10	Denham Palmer	2	6	8
Abraham Mead	17	19	5	John Palmer	4	2	0
Eliphalet Mead	5	2	8	Mary Peck	8	8	5
Nehemiah Mead	55	6	2	Catharine Peck	16	0	0
Mathew Mead	61	12	8	Heth Peck	9	0	11
Titus Mead	95	5	2	John Purdy	10	7	1
Nehemiah Mead, jr.	9	8	3	Winans Palmer	6	14	2
Daniel Merritt	36	6	9	Daniel Palmer	35	19	2
Silas Mead	62	8	7	Benjn. Peck	23	16	9
Thomas Mesnard	6	7	6	Samuel Palmer	77	4	2
Wm. Marshall	14	16	11	Titus Palmer	3	0	0
Deliverance Mead	39	0	3	Jereh. & Jona. W. Palmer	9	9	3
Jemima Mead	18	8	8	Horton Reynolds	65	15	10
Rev. Jona. Murdock	79	14	4	Wm. Rundall	81	7	1
Jesse Mead	22	8	5	Susannah Reynolds	18	16	4
Henry Mead	105	4	2	Anne Reynolds	22	2	9
Elizabeth Mead	13	14	9	Nathl. Reynolds, jr.	10	10	4
Doct. Amos Mead	180	4	8	John Rich	21	3	0
Joshua Mead	11	8	4	Hannah Rundall	45	0	0
Jerusha Mead	7	0	0	Hannah Rich	9	0	0
John Mesnard, jr.	6	0	0	Mary Rich	44	2	0
James Moe	32	6	2	Reuben Rundall	44	2	0
Nathan Merritt	46	13	4	Amy Rundall	4	15	0
Edmond Mead	11	9	11	Joanna Reynolds	12	2	0
Jeremiah Mead, jr.	92	15	7	Solomon Rundall	39	19	6
Gilbert Marshall	0	0	0	Thomas Rich	45	15	9
Deliverance & Jared Mead	200	0	0	Timothy Rundall	7	11	8
Henry Marshall	35	12	0	Jonathan Reynolds	18	0	0
Joseph Mead	39	15	3	Abigail Rundall	3	2	0
Shadrach Mead	42	0	0				

WESTERN RESERVE OF CONNECTICUT.

	£.	s.	d.		£.	s.	d.	
Samuel Randall	4	6	4	Daniel & Joshua	218	12	6	Sufferers' names and losses.
Ambrose & Jona. Reynolds	18	1	7	Smith				
Nathaniel Reynolds	47	15	6	Gold John Sellick	13	18	0	
Shubael Randall	9	12	6	Roger Southerland	14	12	2	
Joseph Sacket	13	12	6	Jesse Sutton	6	8	9	
Samuel Seymour	195	15	3	John Town	15	4	10	
Joshua Smith	149	7	4	Wm. Town	3	3	0	
Jonah Smith	70	4	3	Oliver Tomkins	7	14	6	
Justus Sacket	223	16	5	Michael C. Timpany	76	14	8	
Daniel Smith	76	3	4	Mary Town	4	10	0	
Oliver Sherwood	10	0	0	Zebadiah Tayler	10	0	0	
Drake Seymour	123	19	5	William Waters	11	12	2	
Jabez Sherwood	47	3	5	Ebenezer Whelpley	1	8	8	
Henry Studwell	85	17	6	Israel Wood	182	0	11	
Thomas Studwell	2	6	4	John Willis	47	18	11	
Gilbert Sherwood	7	13	8	John Weeks	9	14	5	
Rev. Wm. Seward	25	8	0	Francis Wilmot	6	0	0	
Benjamin Sutton	5	11	2	Jeffery Wilmeten	9	12	6	
				Isaac Wholpley	21	8	0	

NORWALK.

Account of the losses sustained by the inhabitants of Norwalk by the enemy.

Thomas Benedict	779	1	10	John Saunders	241	18	10
Josiah Thatcher	400	6	5½	William Seymour	93	1	9
James Fitch, jr.	319	16	6½	Nathl. Benedict	359	13	3
Thomas Fitch	387	14	5½	Eliphalet Lockwood	721	8	11½
James Fitch	219	9	5	Hannah Hooker	211	13	9
John Lockwood, jr.	249	14	0½	Hezekiah Lockwood	176	4	7½
Abraham Camp's heirs	142	13	3	John Gregory, jr.	221	11	0
Seth Seymour's heirs	157	4	1	Ebenezer Gregory	57	2	9
Nathl. Raymond, jr.	144	5	1½	Daniel Smith	99	5	1½
Fountain Smith	158	15	10	Peter Quintard	401	0	0
John Seymour, jr.	161	19	9½	Noal Smith	89	11	10
Abraham Benedict	73	3	1	John Darrow	192	19	0
Thomas Betts	167	16	7½	Thaddeus Betts	254	9	3
John & Daniel Eversley	154	9	6½	Matthew Mallory	87	4	11
John Benedict	172	12	8	John St. John	51	16	3
Daniel Hyatt	85	6	7	Wm. St. John	318	11	0
Peter Betts	180	6	10½	John Hayt	72	5	2
Ebenezer Whiting	108	13	9	Daniel Jackson	53	2	5
Gold Hayt	195	8	0	Josiah Thatcher, jr.	193	17	8
Uriah Raymond	124	11	1½	Elizabeth Rogers	228	14	0
Abigail Raymond	144	4	3	Eliakim Raymond	297	7	11
Jabez Sanders	31	13	11	Lemuel Brooks	287	15	4
John Cannon	1933	8	2½	Richard Camp	241	19	0
Lois Whitney	88	11	1½	Asa Hayt	381	17	0
Stephen Smith	48	2	11	Catharine Boughton	23	11	0
Ezra Picket	82	11	5½	Elizabeth Ketchum	45	10	6
				John Kellogg	76	9	0
				John Seymour	345	5	0
				Josiah Wentworth	151	16	0

Sufferers' names and losses.	£.	s.	d.	£.	s.	d.
Daniel Hanford	303	16	4	Elizabeth Rogers, 2d	1	5 0
Jesse Benedict	114	7	6	Hannah Hanford	60	3 1
Samuel Fairchild	131	3	11	Deborah Pickett	22	0 0
Simeon Raymond	423	7	3½	Mary Resco	2	19 0
Jedediah Hanford	39	1	11	Rebecca Smith	3	2 9
Enoch Benedict	84	1	8	Obadiah Siscat	3	0 0
David Hanford's heirs	41	13	9	Abigail Weeks	3	10 0
Matthew Keeler	165	10	10	Anne Seymour	3	1 6
Mary Benedict	40	0	0	Platt Townsend	2	17 0
David Comstock	313	18	0	John Platt		15 6
Thos. Fitch's heirs	415	0	0	Stephen Lockwood	18	12 0
John Rich	72	6	0	Nathan Hyatt, jr.	29	19 11
Ebenezer Hyatt	76	15	6	John Rogers	41	1 9
Nathan Mallory	157	12	0	Stephen Whitney	19	5 0
Danl. Thatch's heirs	215	17	0	Jesse Brown	44	0 0
Samuel Grummond	30	8	6	Hannah Fitch's heirs	141	2 7
Ebenezer Lockwood	82	2	2	Jacob Arnold	24	11 8
Isaiah Marvin	158	10	1	Daniel Hyatt	9	0 6
Eliakim Smith	203	16	4	John Eversley	11	1 2
Daniel Seymour, jr.	87	16	5	Syphax Negro		7 0
Dan Finch	119	14	7	David Whitney		12 0
Hezk. Raymond	152	14	4	Anne Seymour	6	17 5
John Betts	303	16	0	John Lockwood	9	12 8
Edwd. Wentworth	80	13	1	David Judah	9	19 0
Isaac Scudder	661	16	0	Timothy Whitney		17 6
John Lockwood, 3d	218	4	0	Thomas Betts, jr.	13	14 0
Nathan Jarvis	279	7	6	Haynes Fitch	42	1 3
Jabez Raymond	293	13	0	Michael Judah	13	9 6
Nehemiah St. John	89	9	6	Uriah Smith	35	9 0
Hezk. Hanford	268	13	8	Samuel Burrall	30	18 6
Jona. Fitch's heirs	195	0	0	Hannah Brown	6	3 6
Nathan Hayt	180	4	6	James Hayt's heirs	26	2 0
Daniel Fitch's heirs	259	9	1	Stephen Keeler	25	1 3
John Belden	303	14	6	David Both	5	19 9
Nathan Beers	195	1	0	Elenzer Scott	16	0 9
Benj. Isaac's heirs	406	8	9	James Crowley	3	14 7
Samuel Marvin	319	3	10	Stephen St. John	20	1 0
Thomas Grummond	205	11	4	Nathaniel Street	33	12 9
Jacob Jennings	22	5	6	Moses St. John	3	5 0
Jedediah Brown	162	7	0	Isaac Waring	3	10 0
Sarah Johnson	33	18	10	Giles Mallory	12	4 10
Joseph Whitney	182	11	2	David Seymour	3	19 0
Susannah Butler	6	10	0	Mary Harvey	14	11 0
Abraham Gregory	50	9	8	Rebecca Warson	4	8 3
Lydia Comstock	9	6	0	Jarvis Kellogg	2	3 9
Nathl. Benedict, 2d	152	1	3	William Mott	10	14 6
Josiah Raymond	239	9	3	Mary Avery	11	2 6
Col. Steph. St. John	713	6	7	Peter Hitchcock	11	13 6
Daniel M'Auley	248	7	0	Joshua Rogers	14	15 3
Daniel Seymour	11	18	10	Desire Siscat	8	7 6
Deborah Dickenson	17	2	6	Robert Waters	11	15 4
Jane Hitchcock	19	8	6	Jedediah Raymond	10	18 3
				Nehemiah St. John, 2d	6	11 0

	£.	s.	d.		£.	s.	d.	
Esther St. John	2	2	0	Matthew Marvin	19	0	8	Sufferers' names and losses.
Mary Lockwood	2	8	6	Elizabeth Whelpley	17	17	8	
James Smith	21	13	0	Lydia Fitch	19	19	10	
Betsey Hale	22	9	11	Elijah Fitch	10	5	2	
Mary Brown	9	18	0	Samuel Keeler	30	14	0	
Silas Bessey	12	16	3	Saml. Middlebrook	14	9	11	
Abraham Lockwood	2	12	0	Ezra Waterbury	11	6	4	
Abner Booth	40	1	6	Hannah Gregory	13	3	4	
Charles Pope	7	10	7	Ebenezer Bennet, jr.	14	2	8	
Gershom Hyatt	32	5	0	Nathan Adams	14	0	0	
Pomp Leaming	14	10	0	James Betts	17	2	0	
Bewley Arnold	12	8	0	Benjamin Keeler	10	19	4	
Sarah Eversley	26	13	5	Nathan Keeler	3	7	0	
Mary Smith	17	5	0	James Whelpley	4	5	4	
Thomas Darrow	17	5	2	Capt. Saml. Comstock	2	0	0	
Nathan Hendrick	19	18	3	Benjamin Betts	2	11	11	
Wm. Garner	11	4	3	Rev. Isaac Lewis	5	1	4	
Stephen G. Thatcher	13	1	5	Daniel Sturges	1	15	8	
Stephen & Hooker	30	1	6	Peter Sturges		14	0	
St. John				Esther Wasson	5	0	8	
Nathaniel Raymond	4	4	0	Capt. Josiah Thatcher	16	7	4	
Susanna Fitch	24	0	0	Ephraim Steward	5	4	4	
Thomas Hayes	18	0	0	Silas Hicok	3	12	8	
Auley M'Auley	30	19	3	Jesse Birchard	7	12	0	
Joseph A. Wright	95	18	8	Simeon Steward, jr.	8	6	0	
Doct. Uriah Rogers' heirs	225	0	0	Benjamin Steward	14	19	7	
Jesse Raymond	147	2	2	John Fillco	1	15	2	
John Richards	7	6	8	Col. Mathew Mead	4	19	4	
Joseph Waring	14	18	1	David Webb	1	10	8	
Isaac Richards	44	10	10	John Rockwell	5	16	0	
Eli Read	58	10	11	Elizabeth Gaylord	5	8	0	
Jesse Read	3	11	6	Nathan Hicok	2	5	3	
John Bigsby	7	0	6	James S. Olmsted	2	18	8	
Benjamin Read	42	14	6	Samuel Stewart	12	2	0	
Daniel Richards	12	5	1	Michl. Morehouse, jr.	7	7	4	
Solomon Whitman	17	17	6	Andrew Morehouse	1	16	0	
David Read	126	7	4	Michael Morehouse	4	3	0	
Nathan Waring	32	14	7	James Keeler	8	4	8	
Richard Youngs	31	5	11	Josiah Taylor, jr.	4	9	10	
Mary Read	47	17	0	Thaddeus Keeler	2	5	10	
Gershom Richards	31	13	1	Sarah Morehouse	6	4	4	
Clapp Raymond	34	3	10	Ebenezer Fitch	2	10	0	
John Birchard	35	9	10	Nathan Burrall	2	17	4	
Sith Abbot	55	7	3	Jeremiah Webb	7	5	0	
Capt. Eliakim Raymond	80	17	4	Elizabeth Dunning	7	1	4	
Simeon Stewart				Solomon Morehouse	5	11	0	
Capt. Phineas Hanford	43	14	0	Rebecca Deforest	7	15	8	
Azor Mead				Mary Fleet	15	10	0	
Phineas Hanford, jr.	25	19	2	Benjamin Betts, jr.	3	10	0	
Richard Dunning	26	10	6	James Olmsted	7	9	0	
				Wm. St. John	35	12	0	
				Daniel Gregory	18	18	8	
				Thaddeus Morehouse	2	3	0	

WESTERN RESERVE OF CONNECTICUT.

Sufferers' names and losses.	£.	s.	d.	£.	s.	d.	
Joseph Olmsted	2	8	0	William Raymond	5	0	0
Thaddeus Betts	18	8	6	Moses Raymond	5	0	0
Eliphalet Lockwood	23	18	0	Timothy Hayt	6	0	0
Jabez Raymond	38	16	0	Benjamin Merril	5	0	0
Charles Pope	6	0	0	Jedediah Raymond	15	0	0
Haynes Fitch	47	10	0	Hannah Dickinson	23	19	9
Hezh. Hanford	59	10	0	Moses Dickin-son's heirs	259	16	10
Daniel Hanford	20	0	0	Silas Bartow	48	12	6
James Fitch, jr.	23	12	0	Samuel Ketchum	4	1	6
Rebecca Fitch	63	3	0	Evert Ellerson	13	10	0
Robert Waters	6	0	0	Michael Judah		2	0
Dan Finch	3	0	0	John Read	9	10	11
Uriah Smith	4	0	0	Betty Jarvis	2	8	6
Simeon Raymond	14	0	0				

FAIRFIELD LOSSES.

Abraham Andrus	430	6	0	Moso Kent	185	0	7
Sarah Andrus	192	9	0	Lathrop Lewis	27	5	2
Col. Elijah Abel	719	14	4	Sturges Lewis	52	11	2
John Allen	545	12	6	Jonathan Lewis	921	11	7
David Allen	476	9	8	Wid. Eunice Morehouse	68	7	0
George Allen	231	3	11	Gideon Morehouse	66	10	6
Anthony Anniball	155	5	2	Ebenezer Morehouse	83	8	3
Peter Burr	282	9	1	Grummon Morehouse	6	11	6
Reuben Beers	510	4	2	John Morehouse	233	11	5
David Beers	164	4	6	Hezekiah Nichols	394	10	7
Samuel Beers	96	8	5	Daniel Osborn	135	5	0
Ebenezer Bartram	144	10	3	Eleazer Osborn, jr.	181	2	9
Joseph Beers	90	17	0	Wid. Mary Penfield	139	14	1
David Burr	388	2	9	Solomon Sturges	319	3	9
Wakeman Burr	363	14	9	Mabel Osborn	605	0	2
Samuel Burr	481	3	10	Samuel Penfield	1065	9	4
Job Bartram	962	17	5	John Parrott	86	9	8
Gershom Burr	300	10	4	Nathl. Parsons	86	7	7
Thaddeus Burr	1373	18	1	John Raymond, & E. Cooley	56	2	7
Simon Couch, 3d	227	9	3	Samuel Rowland	476	10	7
John Davis	62	14	11	Andrew Rowland	1568	15	11
Ann Dimon	317	18	4	Samuel Squire	412	15	4
Wm. Dimon	625	8	1	John Smedley	763	10	4
N. Thompson Nichols	67	18	0	Seth Sturges	431	0	1
Elizabeth Gold	246	16	0	Joseph Squier	65	0	6
Nathan Godfrey	309	12	2	Thomas Staples	247	4	7
David Jennings, 2d	255	3	5	Jos. Sturges' heirs	339	15	2
Rebecca Jennings	127	0	4	Jonathan Sturges	748	2	6
Moses Jennings	599	12	4	Hezekiah Sturges	532	8	3
Isaac Jennings	281	1	4	Samuel Sturges	234	18	1
Peter Hendrick	399	6	9	Samuel Smedley	415	19	7
Abigail Hubbell	176	13	4	Eliphalet Thorp	401	6	1
Stephen Jennings	195	5	5	Jabez Thorp	147	18	0
Jeremy Jennings	196	12	11	John Turney	526	12	2
Ebenezer Jessup	282	19	3				

	£.	s.	d.		£.	s.	d.	
Stephen Thorp	515	1	8	Olive Bulkley	30	5	3	Sufferers' names and losses.
Ansel Traby	96	11	7	Ebenezer Bulkley		7	2	
John Wasson	161	5	10	Nehemiah Banks	4	15	0	
Andrew Wakeman	207	14	2	David Barlow	374	14	0	
Ebenezer Wakeman	68	12	1	Priscilla Burr	282	8	6	
Joseph Wakeman	167	3	8	Nathl. Burr	22	18	0	
Thos. H. Wakeman	239	6	10	Nathan Burr	4	9	0	
Mary Cutler	48	18	1	Wm. Carter	16	0	0	
David Annible	43	18	10	Ann Caldwell	8	8	0	
Neh'mh. Buddington	15	1	7	Tho's. and Simon } Couch	10	0	0	
Andrew Bulkley	33	10	11	Abigail Chapman	2	11	0	
James Bulkley		15	5	John Coke		9	2	
Walter Buddington	20	19	8	Caleb Desbrow	18	0	6	
Widow Abigail } Burr	58	17	9	Rev. Andrew Elliot	549	11	6	
Wm. Buddington	37	7	9	Francis Forgue	151	16	0	
Walter Carson	27	0	7	Abigail Thompson	8	0	0	
Jona. Darrow	254	5	2	Nathan T. Nichols	81	16	0	
Isaac Jarvis	23	10	9	Hannah M'Kinsey	1	4	0	
Abigail Jennings	49	16	1	Jemima Gould	6	2	0	
Justin Jennings	31	7	0	Abel Gold	113	16	9	
Levi Mallery	21	18	6	Abel Gold, jr.	3	17	6	
Abigail Osborn	106	9	9	Daniel Gorham	20	2	0	
John Parsons	22	1	2	Joseph Gold, dec'd	17	0	0	
Ephraim Robbins	106	14	10	Martha Fairchild	44	8	2	
John Robinson	36	3	3	Justin Hobart	15	10	9	
Ebenezer Sturges	89	4	3	Jabez Hubbell	32	16	9	
John Squier, jr.	15	16	8	Isaac Hubbell	18	16	0	
Judson Sturges	128	16	7	Isaac Hayes	86	17	8	
Isaac Tucker	68	17	0	Anne Hull	64	16	6	
Samuel Smith	19	16	9	John Thickling	20	8	9	
Isaac Turney	20	3	5	Sarah Hews	15	9	6	
John Williams, jr.	13	19	0	Peter Jennings	7	8	3	
John Williams	116	0	9	Lyman Jennings	5	10	6	
Ruth Wakeman	22	8	1	Hezk. Jennings	4	1	0	
Wright White	46	8	0	Daniel Jennings	32	2	1	
Mary Alvord	20	0	0	David Jennings	27	18	10	
Isaac Burr	23	5	0	Martha Jennings	27	18	0	
Amelia Burr	10	0	0	Ephraim Jennings	6	9	6	
Ruth Burr	3	19	6	Margaret Keeler	43	2	1	
Charles Burr	24	16	0	Esther Lord	7	4	0	
Luce Burr	4	13	0	Jona. Maltby	47	5	10	
George Batterson	55	13	3	Jona. Middlebrook	4	4	10	
Dudley Baldwin	7	13	0	Jesse Morehouse	16	6	2	
Wm. Batterson	16	3	0	Hannah Morehouse	33	18	8	
Samuel Burr, jr.	2	14	6	David Osborn	21	9	0	
Samuel Burr, 3d	14	14	0	Free negro Ned	7	4	0	
David Burr	10	5	4	Samuel Osborn	36	13	6	
Abigail Burr, jr.	50	2	6	Nehemiah Phippeny	12	12	0	
Nathan Bulkley	11	14	0	James Penfield	6	2	0	
Wid. Abigail Bulkley and Jonathan Bulkley	54	17	3	Jabez Perry	2	18	0	
				John Perry	6	17	0	
				Abraham Parrott	4	14	0	

Sufferers' names and losses.	£.	s.	d.	£.	s.	d.	
Sarah Penfield	15	16	0	Jehiel Whitehead	6	16	2
Benjamin Rumsey	15	0	0	Richard Wane	5	8	3
Lucretia Redfield	28	3	4	Abigail Whitear	111	13	11
Wid. Sarah Redfield	28	15	6	Samuel King	5	7	0
Robert Ross	2	17	0	Gideon Wells	29	8	8
Rev. Hezh. Ripley	368	19	2	John Wilson	5	4	0
Joseph Sprague	2	3	8	Nathl. Wilson	10	17	6
Grace Spalding	90	4	4	John Whitehead	17	8	0
Francis D. Sword	3	3	6	Abigail Wyncoop	59	15	0
Benjamin Squier	1	7	0	Joseph Wakeman	4	0	0
Samuel Squier, 2d	83	6	8	Increase Bradley	180	0	0
Seth Smith	56	7	0	House of Peter			
Zachariah Sanford	2	5	0	Bulkley & Jos.	91	0	0
Mary Smith	16	14	3	Sturges			
Ebenezer Squier	14	14	4	Edwd. Buddington	81	0	0
Stephen Turney	88	5	4	Andrew Jennings	210	0	0
Samuel Taylor	9	17	0	Aaron Jennings	100	0	0
Wm. Thorp	24	18	0	Wm. Livesay	152	0	0
Ruel Thorp	6	6	0	Heirs of Benjamin	152	0	0
Wid. Hannah Taylor	40	4	0	Osborn			

LOSSES

Sustained by several inhabitants of Fairfield, in the enemies expedition to Danbury, viz:

Benjamin Allen	5	3	3	Isaac Hayes	28	0	7
Ephraim Burr	95	17	10	John Hyde	47	11	3
Gilbert Bryan	19	17	0	John Hyde, jr.	7	6	3
Ebenezer Baker	21	18	0	Joseph Hyde	35	0	0
Gershom Banks	14	15	0	Ebenezer Jessup	3	1	6
George Burr	15	16	10	Joseph Lyon	31	15	9
John Banks	22	12	2	Seth Meeker	22	5	8
Ephraim Burr, jr.	4	18	11	John Morehouse	15	13	0
Nathan Bennett	15	2	0	Benjamin Meeker	15	17	4
Joseph Bennett	56	0	7	Rebecca Nash	6	7	5
Francis Bradley, 3d	2	10	6	Sarah Ogden	19	16	1
Pinckney Burr	14	0	0	Daniel Osborn	13	6	
Elias Bennett	19	15	5	Cornelius Stratton	1	5	3
Job Bartram	13	10	0	John Stratton	1	13	6
Thomas Bennett	3	2	3	Ebenezer Sherwood	2	0	0
Sarah Bryant	17	10	0	Joseph Sherwood	9	15	6
James Bennett	26	3	0	Jehiel Sherwood	4	14	0
Abigail Desbrow	9	11	8	Joshua Squires &			
Jason Desbrow	16	2	4	Samuel Burr	35	17	6
Hezh. Cooley	3	6	0	Andrew Sturges	13	13	0
John Crossman	5	12	2	Gershom Thorp	9	0	0
Caleb Desbrow	8	16	4	Wm. Thorp	3	0	0
Jabez Desbrow	5	9	6	Jessup Wakeman	12	9	11
John Desbrow	15	14	0	Samuel Whitney, jr.	26	10	2
Shubael Gorham	4	15	0	Peter Whitney	7	9	0
Solomon Gray	1	3	6	Wid. Eliz. Sturges	150	0	0
Ann Godfrey	3	18	0	Moses Bulkley	50	0	0
Hezh. Hull	10	0	0	Josiah Bulkley	10	0	0

	£.	s.	d.		£.	s.	d.	
Nathan Burns	1	17	6	Jail & jailer's house	0	0	0	Sufferers' names and losses.
Ebenezer Munro	1	15	0	School-house on the	0	0	0	
Add to Nehemiah		10	0	green				
Buddington				Old school-house	0	0	0	
Mary Alvord	8	0	0	Meeting-house	0	0	0	
Jonah Bulkley in Dan-		6	0	Church-house	0	0	0	
bury expedition				Meeting-house at	0	0	0	
Deduct from Isaac	0	0	0	Green's farms				
Jarvis				Church glebe, house	0	0	0	
George Cable	400	0	0	and barn				
County-House	0	0	0					

DANBURY LOSSES.

Daniel Taylor, esq.	656	0	14	Isaac Coller	4	14	0
Major Taylor	462	12	2	Christiana Starr	6	1	2
John McLean	528	7	1	Nathan Taylor, 3d	15	5	0
Zadock Benedict	67	13	4	Samuel Taylor, esq.	22	1	2
Joseph Wildman	278	5	4	John Taylor	11	3	8
John Wood	262	15	11	Rachel Gregory	4	7	7
Mathw. Benedict, jr.	218	7	4	Samuel Lambert	3	19	4
David Wood	288	14	0	Horace Knapp	2	15	0
Abigail Wood	18	7	4	Nathaniel Lockwood	7	14	3½
Jonah Benedict	206	6	4½	Seth Crowfeet	3	11	8
Rev. Ebenr. White	218	7	4	Samuel Andrus	8	8	0
Joseph P. Cook, esq.	53	6	8	Wait Desbrow	9	11	0
Ezra Starr	1214	11	4	Isaac Davis	1	12	8
Matthew Benedict	176	16	5	Hannah Andrus	15	8	0
Benjamin Sperry	113	4	2	Timothy Ketchum	23	6	6
Jabez Rockwell	158	10	9	Caleb Baldwin	2	0	0½
Thad. Benedict, esq.	349	7	4	John Knapp	6	10	0
Eli Mygatt, esq.	542	7	11	Abijah Benedict	5	1	4
James Clark	524	3	4	Thomas Wildman	3	11	4
Comfort Hoyt	50	7	0	Samuel Wood	1	5	4
Comfort Hoyt, jr.	478	15	7	Hannah Wood	4	11	4
Sarah Benidict	40	12	10	Thomas Starr	9	5	1
Daniel Church	40	8	10	Jonas Benedict	1	10	8
Eliphalet Barnum	42	6	8	Seth Shove	5	14	4
Mary Barnum	22	12	0	Elias Taylor	4	2	0
Elnathan Gregory	31	6	14	Rebecca Crowfeet	1	11	4
Rev. Noah Wetmore	28	3	0	Phineas Peck	1	4	1½
Elizabeth Henries	18	9	8	Eliphalet Peck	1	5	0
Christiana Rose		18	4	Benjamin Shove	2	11	10½
Matthew Barnum	2	10	8	Wm. Wille	1	8	7½
Comfort Barnum	2	0	0	Comfort Wildman	11	14	2
Joshua Benedict	12	18	8	Aaron Stone	2	11	0
Matthew Crowfeet	3	15	4	Sarah Peck	1	9	4
Anne Shepard	8	2	0	Jona. Taylor	6	1	6
David Judd	9	16	0	Abijah Barnum	7	4	0
Charles Peck	6	8	4	Oliver Tayler	4	16	10
Joseph Benedict, jr.	7	18	0	Abial Phillips	6	11	4
Preserve Wood	3	9	4	Daniel Hicock	6	4	3
Joseph Gregory	8	8	10	Benjamin Wood	1	5	4
Mannah Lockwood	2	13	8	Ezra Stevens	3	4	0

Sufferers'
names and
losses.

	£.	s.	d.		£.	s.	d.
Bethiah Judd	1	9	0	William Stone	7	2	6
John Peck	2	3	4	John Stone	4	16	8
Joseph Benedict	7	15	8	Lemuel Benedict	2	10	4
Anne Northrop	3	8	0	Nathl. Starr	4	7	4
Benjamin Hicock	9	14	4	Ebenezer Munson, jr.	21	8	0
Benjamin Cartis	4	7	4	John Gregory	4	0	1
Samuel Benedict	4	5	6	Jeremiah Dunning	2	2	0
Wm. Griffin	3	14	8	James Crary	4	14	8
Elisha Dibble	4	6	8	Amos Northrop	2	9	0
Patience Guthrie	3	19	8	David Northrop	4	6	8
Benjn. Boughton	2	2	8	Abial Picket	3	14	6
Andrew Comstock	5	4	8	John Sturdevant	4	11	0
Nathaniel Stevens	3	8	0	Salle Pill	6	13	4
Joseph Bebee	12	10	8	Eleazer Hoyt	1	19	8
Jonathan Hayes	11	10	0	Caleb Church	3	19	4
Nathaniel Gregory	18	17	3½	Thomas Benedict, jr.	10	1	4
Daniel Millson		13	4	Josiah Starr	9	3	8
Stephen Trowbridge	7	0	4	Joshua Knapp	43	3	8
Justus Hoyt	2	5	0	Moses Knapp	4	6	8
Matthew Gregory	12	7	9½	Ebenezer Munson	23	6	8
Jacob Finch	2	16	8	Hannah Robertson	2	6	8
James Fielding	3	0	8	Josiah Starr	13	5	8
Matthew Wilkes	3	9	4	Isaac Benedict	4	4	6
John Barnum	5	17	0	Thomas Benedict	1	11	6
John Porter	2	0	0	Robert Benedict	2	9	4
Nathan Taylor, jr.	4	0	8	Samuel Benedict, jr.	7	16	8
Timothy Northum	2	6	8	Mary Greenslate	9	12	0
Timothy Benedict	2	5	6½	Anthony Angwene	3	6	0
Timothy Wildman	2	13	4	Samuel Brown	1	3	10
Alexander Stewart	5	17	4	John Couch	5	10	8
Stephen Scofield	6	5	4	Stephen Jarvis	43	8	6
Thomas Benedict	13	10	0	Ezra Dibble, jr.	17	7	11
Roger Negro		6	8	Joseph M. White	31	7	8
Ebenezer Benedict, jr.	4	14	4	Aaron Knapp	4	18	0
Joseph Broadbrooks	4	0	0	Joseph Gunn	4	8	8
Oliver Benedict	4	14	4	Thomas Taylor	32	5	4
Ebenezer Benedict	5	16	10	Benjamin Daily	1	14	6
David Northrop	3	14	8	Shadrach Morris	10	6	8
Enos Camp	3	19	4	Noah Hoyt	3	5	4
Ephraim Barnum	3	10	0	Samuel Gregory	61	15	10
Daniel Stevens	2	12	0	Daniel Pierce	3	12	0
Elijah Wood	2	7	0	Richard Smith	6	6	0
Thaddeus Barnum	17	9	5	Henry Peck	2	2	8
Philip Corbin	10	14	5	Daniel Comstock	9	6	8
Nathaniel Benedict	4	10	8	John Shepard	1	1	0
Thomas Taylor	1½	18	3	Joseph Birchard	1	12	10
Thomas Taylor, jr.	10	2	0	Judith Taylor	1	8	0
James Trowbridge	7	1	4	Sarah Bassett		18	8
Daniel Wildman	31	19	7	Amos Collins	4	17	6
Benjamin Taylor	2	15	4	Joshua Starr	4	16	0
John Elliot	2	5	4	Matthew Taylor	23	19	6
Matthew Starr	2	12	0	William B. Alger	19	7	4
Thomas H. Benedict	8	15	9	Caleb Hoyt	4	13	4

NEW-HAVEN AND EAST-HAVEN LOSSES.

	£.	s.	d.		£.	s.	d.	
Abraham Augur	60	0	8	Samuel Griswold	21	11	0	Sufferers' names and losses.
Hezekiah Augur	29	8	3	Caleb Gilbert	48	18	8½	
Eldad Atwater	52	0	7	James Gilbert	12	2	0	
David Austin, esq.	276	17	0	Stephen Gorham	27	14	11	
Timothy Atwater	8	2	0	Hez'h Gorham	21	5	7	
Phineas Andrus	18	17	6	Wm. Grenough	27	14	6	
Joseph Adams	13	19	5	Samuel Gills	58	4	3	
John Allen	15	17	6	Timothy Gilbert	3	10	3½	
Christopher Allen	6	16	3	Samuel Gorham	9	8	3	
Samuel Austin	69	13	0	Richard Hood	36	15	0	
Abner Austin	56	12	7	Nathan Howell	10	8	1½	
Abiah Allen	13	13	7	Samuel Huggins	91	16	9	
Oliver Allen	40	18	0	Ezekiel Hays	72	17	6	
Samuel Bird	42	2	5	Josiah Holly	52	17	3	
Abraham Bradley	101	6	8	Abiah Hall	3	19	9	
Joseph Bradley	403	9	2	Amos Hotchkis	34	3	9	
Benjamin Brown	30	1	1	Samuel Horton	77	6	6	
Israel Bishop	31	16	9	Jonah Hotchkis	19	6	2	
Isaac Bishop	37	0	7	Ebenezer Huggins	47	12	8	
Abel Barrett	27	12	6	Mary Hubbard	5	17	11	
John Bradley, jun.	31	6	2	Joseph Howell	75	12	5	
Stephen Ball	36	0	6	Samuel Howell	39	5	3	
Francis Brown	12	16	9	Susanna Hotchkis	14	8	6	
Peter Benheir	70	14	9	Obadiah Hotchkis	69	3	7	
Phineas Bradley, jr.	19	13	6	Caleb Hotchkis	9	7	6	
Daniel Bishop	79	5	6	Henry F. Hughes	38	1	0	
John Beecher, jr.	23	9	10	Elijah Hill	16	11	6	
Gurdon Bradley	66	0	10	Stephen Herrick	15	0	0	
Azariah Bradley	19	0	2	Jabez Johnson	13	9	4	
Samuel Barnes	13	16	8	Timothy Jones, jr.	38	4	11	
Stephen Bradley	4	3	3	Timothy & Wil- liam Jones	167	13	6	
Thomas Burrall	17	2	11	Isaac Jones	148	19	9	
Timothy Bontique	23	7	5	Levi Ives	46	1	4	
James Bradley	48	8	10	Peter Johnson	20	18	9	
Buckminster Brentnall	51	7	10	Silas Kimberly	9	18	6	
Eleazer Brown	8	12	3	Azael Kimberly	52	10	0	
Nanda Cambridge	14	11	1	Mary Kimberly	18	10	0	
Charles Chauncey	47	15	8	Elam Luddington	408	6	7	
Samuel Candy	51	4	6	Daniel Lyman, esq.	368	7	8	
John Chandler	108	5	0	Jesse Levenworth	143	9	0	
Timothy Dwight	10	13	6	Wm. Lyon	92	2	5	
Samuel Dwight	9	6	6	Ebenezer Lines	20	11	6	
Thomas Davis	21	1	3½	John Lathrop	71	17	2	
Jacob Daggett	50	9	7	Jeremiah M'Cumber	20	5	8	
Amos Doolittle	11	6	6½	Amos Morris	1235	15	4	
Nathan Drummon	6	2	9	Wm. Mansfield	47	17	9	
Jonathan Fitch	173	3	4	Jonah Mix	15	19	0	
Jehiel Forbes	173	13	1	Stephen Munson	22	12	4	
Levi Forbes	5	17	6	Joseph Mix	11	15	10	
Samuel Green	54	4	6	Wm. Miles	5	19	8	

Sufferers' names and losses.	£.	s.	d.	£.	s.	d.
Joseph Munson	10	14	6	Samuel Tuttle	270	19 6
John Miles	48	5	9	Joseph Tuttle	93	3 6
Wm. Munson	73	6	8	Timothy Tuttle	79	9 5
Samuel Munson	41	17	10	Noah Tucker	99	17 4
Israel Munson	27	6	6	Jesse Upton	47	18 0
Alless Miles	5	3	0	Jotham Williams	2	19 9
Edward Maloy	265	18	9	John Woodward	838	17 3
Amos Monson	18	15	6	John Woodward, jr.	740	19 11
Paul Noyes	2	18	11	Moses Wells	256	7 4
David Osborn	30	14	5	Samuel Wilmot	62	16 2
Nathan Oakes	19	6	4	Wm. Ward	22	11 7
Mehitabel Osborn	3	12	3	John Wise	31	15 0
Wm. Plimmaist	32	14	11	Daniel Wilmot	42	16 3
Jacob & Abijah Pardy	402	8	2	John White, jr.	23	18 3
Mary Pardy	134	14	0	Rev. Chauncey Whittlesey	326	6 3
Hez'h. Parmele	109	5	1	Thomas Wooster	590	15 1
Martin Parrett	27	18	8	John Whiting, esq.	158	16 3
Wm. Punchard	20	1	9	Titus Beecher	5	8 0
Jacob Pinto	22	13	11	Hannah Bingly	10	5 6
Ichabod Page	59	9	6	Isaac Beecher	3	15 9
Sarah Parmele	8	17	2	Sarah Brown	12	11 6
James Plant	94	17	10	Peter Buckley	2	11 0
Jeremiah Parmele	18	17	0	Joseph Bishop	8	4 0
Charles Prindle	47	4	6	Elias Beech	3	10 0
John Pease	18	13	4	Archibald Blakely	11	5 11
Benjamin Pardy	88	12	0	Tilley Blakely	13	17 2
Jehu Robertson	26	15	2	Abraham Barns	3	10 0
John Richards	13	6	0	Atkins Broughton	8	1 0
Philemon Smith	53	0	3	Geo. Cook	45	10 1
Benjamin Sanford	32	5	11	Corn'ius Cunningham	20	11 0
Wm. Sherman	37	3	3	John Catlin	8	7 0
Francis Sage	34	1	10	Nathan Catlin	8	16 6
Jona. Sabin	64	18	6	Zach. Candee	7	19 2
Timothy Sperry	30	13	2	Levi Clinton	6	8 0
Charles Sabin	29	5	6	David Cook	29	13 0
Jesse Stephens	18	17	4	Russell Clark	1	18 10
Elias Shipman	10	19	6	Samuel Clark	7	14 9
Calcb Trowbridge	125	15	3	Samuel Cook	19	7 9
Jere'h. Townsend, jr.	7	3	3	Samuel Chatterton	33	13 8
Daniel Tuttle	13	2	2	John Clause	3	0 0
Isaac Townsend	11	16	10	John Carew	8	14 0
Benajah Thomas	7	6	7	Sarah Davenport	1	2 0
Robert Townsend	15	19	6	Isaac Doolittle	26	17 0
Hezekiah Tuttle	54	3	3	Samuel Deenwell	34	2 0
Richard Tuttle	13	4	0	Henry Daggett	37	14 4
Michael Todd	73	16	11	Rhoda Denison	10	6 0
Jeremiah Townsend	36	7	8	Hamlin Dwight	2	19 0
Jacob Thompson	60	19	2	Doct. Napthali Daggett	32	11 0
Timothy Townsend	11	5	8	Isaac Dickerman	32	4 0
Abraham Tuttle, jr.	27	2	6	William Doak	15	9 6
John Townsend	3	0	0	Rev. Jona. Edwards	57	15 4
Stephen Trowbridge	8	0	10			

	£.	s.	d.		£.	d.	s.	
Wm. Eyers	5	6	0	Edward Larkin	21	3	0	Sufferers' names and losses.
Robert Fairchild	14	12	0	Samuel Little	11	8	1	
Ezra Ford	16	17	0	Major Lines	14	8	6	
Abel Frisbie	25	15	0	James Lane	9	6	10	
Samuel Goodwin	14	1	0	Mark Levenworth	7	1	6	
John Goodrich	140	17	4	Gad Luke	27	11	4	
Timothy Gorham	10	19	6	Susanna Mahon	1	6	8	
Ruth Gordon	7	10	0	John Mix, junr.	9	19	6	
Henry Gibbs	4	8	0	Daniel Mansfield	11	17	6	
Amos Gilbert	13	7	0	Elisha Mix	25	7	4	
Sarah Goldsmith	53	1	0	Mary Miles	2	12	0	
Joel Gilbert	2	9	0	Amos Monson	1	0	0	
Daniel Goodsell	12	6	0	Robert Matthews	8	3	0	
David Gilbert	8	2	6	Esther Mansfield	299	5	4	
Martin Gotter, dec'd.	19	6	7	Kirsted Mansfield	10	13	9	
John Goodsell	8	13	0	James Murray	9	14	4	
Stephen Hotchkiss	4	7	0	Nathan Mansfield	3	10	6	
Christian Hanson	21	5	6	Silas Merriman	2	2	6	
Ebenezer Hull	5	5	0	David Mulford	7	16	6	
Hannah Hotchkiss	4	12	0	Hannah Mansfield	8	17	0	
Sarah Hunt	3	4	0	Patuna Mix	20	19	1	
Frederick Harding	12	4	0	Phebe Miller	15	5	2	
Eleanora Hogg	1	17	0	David Munson	2	8	6	
Joseph Hutts	1	5	0	Hannah Mix	36	4	3	
Jared Henningway	5	4	6	Doct. Timothy Mix	16	12	3	
Hannah Howe	13	3	6	Moses Mansfield	6	3	0	
Sarah Howe	14	7	1	Nathl. Mix	10	13	0	
William Helins	43	7	0	William Noyes	11	14	0	
David Hull	19	14	0	Anne Platt	10	11	3	
James Hull	9	6	0	Mary & Lydia Pardy	10	8	4	
Silas Hotchkis	3	1	0	William Punchard	26	13	0	
Nehemiah Hotchkis	14	11	6	Ebenezer Peck	23	2	2	
Nehemiah Higgins	2	8	11	Thomas Punderson	2	13	3	
Enos Hotchkis	3	17	8	Thos. Punderson, jr.	14	15	7	
Mary Horton	5	14	9	Mary Pease	2	2	0	
Stephen Honeywell	1	19	6	David Phipps	7	6	6	
Abigail Hughes	37	12	5	John Pierpont	18	8	0	
Stephen Johnson	14	3	9	Abigail Potter	25	9	3	
Simeon Jocelyn	10	15	6	Moses Pardy	15	14	0	
Amaziah Jocelyn	25	16	3	Solomon Phipps	43	10	0	
Abraham Johnson	5	16	10	Lamberton Painter	11	12	0	
Mabel Johnson	6	0	0	Elijah Painter	14	0	0	
Enos Johnson	1	17	9	Martin Patchen	31	0	6	
Tack and wife	17	11	11	Levi Pardy	3	15	0	
Jared Ingersoll	2	0	0	Jonas Prentice	27	17	6	
Richard Johnson	11	8	6	Sarah Pomeroy	27	16	0	
Lydia Johnson	5	7	0	James Prescott	26	3	6	
Elijah King	11	19	10	Philip Rexford	15	17	3	
Sarah Kimberly	27	16	0	Samuel Robinson	9	16	2	
Marak Kilby		2	6	Rachel Russell	3	18	10	
Lydia Kimberly	21	8	9	Zachariah Reed	3	7	0	
Nathl. Kimberly	2	13	0	James Rice	64	9	2	
James Lyndes	4	17	6	Hannah Russell	17	17	6	

Sufferers' names and losses.	£. s. d.			£. s. d.			
	£.	s.	d.	£.	s.	d.	
Martin Ray	70	15	6	Newton Whittlesey	33	3	0
Hannah Sackett	5	7	6	Henry York	4	4	10
Adonijah Sherman	29	15	0	Daniel Abbot	4	8	0
John Scott	7	0	9	Joseph Alling	4		0
James Sherman	7	1	0	James Alling	12	0	6
Leveret Stevens	3	0	0	Samuel Alling	20	10	0
Sarah Stephens	4	11	0	Ebenezer Alling	16	0	6
Elizabeth Stillman	26	15	6	Lorrain Alling	4	5	8
Widow Scovill	7	0	0	Hezh. Alling	11	14	0
Wm. Sherman	23	2	10	David Atwater	3	12	3
Moses Strong	9	10	0	David Austin, jr.	11	6	0
Abigail Starr	14	1	0	Abigail Andrus	2	8	6
Benjamin Smith	3	0	0	Jedediah Andrus	9	1	7
Nehemiah Smith	9	12	0	Jeremiah Atwater	227	11	3
George Smith	20	1	6	Jonah Atwater	16	10	8
Nathan Smith	9	15	6	Archibald Austin	71	13	8
Mary Stillwell	13	10	6	William Ally	9	4	6
Hezh. Sabin	79	8	9	John Austin	10	6	0
Hezk. Sabine, jr.	21	10	6	Stephen Austin	12	12	6
Edmond Smith	4	7	1	Joel Atwater	1	0	0
Amos Sherman	34	12	8	Samuel Bishop, esq.	13	13	3
Joseph Smith, 3d	12	8	10	Phebe Brown	7	0	0
John Storer	55	11	0	Timothy Bonticou, jr.	13	8	0
Hannah Storer	5	0	0	Eleanor Bonticou	33	9	2
James Thompson		19	0	Stephen Brown	19	2	0
John R. Troop	7	2	0	Jona. Bridglin	8	15	0
Joseph Thompson	12	14	0	Abraham Bradley, jr.	6	9	6
John Townsend	16	14	2	Willard Brentnal	36	2	0
Thankful Thompson	23	7	8	Lemuel Benham	12	19	7
Isaac Thompson	2	16	4	Thomas Bill	9	16	4
Abraham Tuttle	4	4	0	Hanover Barney	11	11	10
Abraham Thompson	5	2	2	Lucy Barker	1	12	9
Stephen Tuttle		17	3	Israel Burnell	9	16	6
Timothy Tallmadge	37	19	6	Nathan Beers	13	0	0
Joseph Trowbridge	10	1	0	Wm. Brentnall	16	14	2
Ebenezer Townsend	9	5	0	David Bacher	19	5	0
Wm. Trowbridge	12	19	6	Daniel Brown	5	16	0
John Trowbridge	17	13	8	Tim. P. Bonticou	4	4	0
Cornelius Thayer	3	17	8	Lamberton Painter	24	0	0
Moses Thompson	6	0	0	Silas Kimberly	193	16	0
Wm. Van Deurson	62	4	3	Mary Kimberly	20	0	0
Moses Venture	31	8	0	John Beecher	25	17	0
Michael Vaun	3	13	10	Thomas Benham	10	10	0
Thomas Wilson	50	18	10	Jotham Williams	6	0	0
Lois Walls	8	18	4	Andrew Smith	14	7	0
Thomas Wilmot	2	14	0	Wm. Trowbridge	7	4	0
Alice Wise	9	6	0	Anna Clinton	4	8	0
John Ward	25	7	6	Rev. Noah Williston	27	0	0
Rev. Mr. Williston	21	8	0	Azel Kimberly	32	16	6
Samuel White	3	0	0	John Mix	27	10	9
John Warner	4	2	6				

NAMES

Sufferers' belonging to New-London.

	£.	s.	d.		£.	s.	d.	
Philip Allen	9	15	5½	Richard Douglass	262	18	6	Sufferers' names and losses.
James Angel	169	2	2	Robert Douglass	200	0	0	
Lydia Beebe	24	5	0	Ebenezer Douglass	17	9	4	
Abigail Bell	6	11	9	Peter Darrow	10	0	0	
William Brooks	65	11	6½	Nathan Douglass	941	11	9	
John Barr	71	11	4	Nicholas Darrow	9	12	2	
Ann Bulkley	493	14	11½	James Darrow	2	3	7	
Samuel Brown	493	7	8	Nath'l Dickenson	15	1	0	
Stephen Babcock	34	9	1½	Timothy Durfey	20	14	0	
Joanna Beebe	236	2	6	Isaac Champlin	142	3	2	
David Byrne	336	4	7	Clark Elliot	296	11	3	
John Barna	84	6	7½	John Champlin	104	8	5	
Jeremiah Brown	124	9	5½	Sarah Edmonds	20	2	6	
Hannah Beebe	6	18	9	John Crocker	34	13	2	
Hannah Borten	32	1	10½	Abigail Elliot	496	13	10	
Walter Beebe	9	8	9	John Irwin	800	0	0	
Percy Beer	6	17	2	Jacob Finch	130	8	10	
Nathan Bailey	20	3	10½	Ann Fosdick & sons	1045	10	11	
Corn'ius Cunningham	62	14	7½	Ebenezer Goddard	7	0	0	
Joanna Culver	10	15	0	Mary Goodfaith	15	0	0	
Richard Chapman	73	1	6½	Elizabeth Griffin	5	0	0	
Esther Cutler	7	0	0	Thomas Gardner	22	2	0	
Joseph Chals	75	11	6	Roger Gibson	884	18	6½	
Joseph Collins	41	0	8½	Mary Gardner	123	16	0	
John Critchet	6	6	5½	David Gardner	11	0	0	
Joseph Coit	1298	18	5	John Gordon	1	16	3	
William Coit	44	17	10	George Gibbs	21	7	0	
James Culver	8	9	1	Matthew Griswold	10	0	0	
Joseph Cocks	1	5	3	Russell Hubbard	1012	0	3	
Lodwick Champlin	11	9	10	Joseph Hurlbut	965	8	3	
Eliz. Christophers	49	4	6	Thomas Hopkins	198	17	9	
Rebecca Church	52	11	10	Ruth Harris	63	0	0	
Wm. Comstock	3	16	0	Eliz. Holesworth	46	8	0	
Thomas Coit	23	13	4	Thomas Hancock	148	7	5	
Nath'l Coit, jr.	15	15	10	Mary Hurlburt	212	13	0	
Joshua Coit	40	0	0	Joseph Harris, jr.	5	15	0	
Joseph Champlin	72	11	9	Stephen Holt	229	5	2	
Jonathan Colfax	15	11	3	Nathl. Harris	3	5	0	
John McCurdy	1128	0	0	Edw. & Jno. Hallum	310	9	8	
Samuel Coit	19	8	6	Edw. & Geo. Hallum	215	0	0	
John Clark & sons	135	6	5	Edward Hallum	10	16	0	
John Deshon	1177	6	2	William Higgins	4	11	0	
Deshon & Co.	556	10	0	Daniel Hurlburt	126	14	7	
Henry Deshon	900	0	2	Sarah Harris	177	7	5	
Joseph Deshon	100	1	0	John Harris, 2d	33	1	11	
Richard Deshon	266	19	8	John Hempsted	30	18	0	
Mons. Dumont	263	10	8	and others				
Jona. Douglass	1446	14	7	John Hallam	417	10	0	
Sarah Davis	8	0	0	Benjamin Harris	19	9	5	

Sufferers'
names and
losses.

	£.	s.	d.		£.	s.	d.
Abigail Holt	18	11	2	Joseph Owen	75	18	6
Nathl. Hempsted	7	1	10	Richard Potter	382	2	3
John Hartle	44	19	4	Christopher Prince	512	4	3
Joseph Holt	2	13	0	Abigail Potter	573	4	11
Lydia Harris	60	3	11	Zuriah Preston	21	13	0
Thomas Holt	4	18	7	Joseph Plumb	24	16	0
Bridget Harris	24	19	0	Green Plumb	43	19	3
James Holt	21	18	6	Ichabod Powers, jr.	188	16	6
John Harris, 1st		11	1	Andrew Palmer	105	10	0
Walter Harris	17	15	10	Widow Palmer	48	0	0
Graco Harris	29	0	0	Simeon Peck	19	16	0
Ebenezer Holt	15	6	1	James Parteer	21	19	0
Daniel Harris	5	6	0	Sarah Poole	4	19	0
Eliphalet Harris	20	12	5	Joshua Powers	4	17	0
Daniel Holt	32	2	6	Wm. Packwood	12	6	0
Jonathan Holt	35	13	0	Ichabod Powers	620	8	0
Ann Hancock	140	3	6	John Pennwert	223	8	6
Titus Hurlburt	1961	3	0	John Potter	83	13	3
Stephen Hempstead	70	6	1	Joseph Packwood	817	5	4
Moses Jeffrey	36	3	6	Joshua Potter	8	14	5
Lydia Johnston	21	15	0	John Prentice	3	16	0
Robert Kennedy	350	0	0	Eliza Plumb	197	19	0
Mary Lewis	5	12	0	James Pitman	145	18	4
Christopher Leffingwell	25	0	0	Stephen Rougett	37	6	1
James Lamphier	233	9	0	Mary Rogers	8	13	0
Lydia Lattimer	27	8	6	Patrick Robinson	3	0	0
James Lamphier, jr.	42	0	7	Ann Richards	224	15	10
Picket Lattimer	565	7	8	James Rogers	455	16	5
Samuel Lattimer	910	19	5	Guy Richards & Sons	811	8	0
Amos Lester	12	11	9	Mary Richards	258	17	0
Ebenezer Lester	8	12	0	Benjamin Rogers	9	19	5
John Lester	35	19	7	Jabez Richards	4	4	0
Edgcomb Lee	48	4	7	Solomon Rogers	101	4	3
Deodat Little	207	5	0	Amos Rogers	31	1	8
Samuel Lattimer	24	7	6	Samuel Roberts	94	6	10
Michael Love	23	0	0	George Rogers	14	14	0
Richard Lattimer	26	19	8	David Richards	1	4	8
Rosman Lawrence	54	0	0	James Rogers	1	16	0
Peter Lattimer	317	1	6	Harris Rogers	128	13	10
John Lathrop	1	11	9	Peter Rogers	16	2	4
Amasa Learnid	18	1	0	William Rogers	18	3	0
Jeremiah Miller	2535	18	10	Peter Rogers, jr.	1	12	9
James M'Evers' heirs	600	0	0	Peter Robinson	81	12	2
James Matthews	29	19	2	John Rogers	31	8	10
Robert Manwarring	21	8	8	David Roberts	17	16	0
James Miller	93	8	6	William Rogers	4	19	0
John Morris	29	16	0	James Penniman	137	10	7
G. le. Mumford	44	0	0	Daniel Stole	27	14	0
Jabez Miner	7	10	7	Gurdon Saltonstall, esq.	1440	0	0
Lawrence Marting	55	18	6	Thomas Smith	11	0	0
Ephraim Miner	348	17	4	William Skinner	15	0	11
Lydia Creen	12	16	0	Seth Seers	13	19	7
Anthony Mitchell	23	11	6	Jona. & J. Starr	53	2	3
David Mumford	318	5	9	Bathsheba Skinner	180	0	0
Isaac Moseley	500	0	0	Bathsheba Smith	465	14	10
David Manwarring	51	3	0	Eliza Shapley	382	5	0
Lewis Minor	71	7	4	Adam Shapley	20	17	10
Thomas Jones	40	4	10	Lydia Spinch	9	13	9
Elizabeth Newcomb	12	0	0	Ann Squier	7	10	0
George Newcomb	238	1	9	Nathl. & Thos. Shaw	2834	5	0
Widow Nelson	63	10	0	John Shepard	76	14	0
Mary Newberry	14	5	0	Robert Smith	24	18	0
Nathl. Overton	27	9	0	Starr & Tallman	150	0	0
Isaac Oliver	40	7	3	John Springer	17	19	0
Owen Neil	91	14	6	Ann Simmonds	13	18	0

	£.	s.	d.		£.	s.	d.	
Peter Perry	9	18	0	John Ward	17	5	4	Sufferers' names and losses.
John Coster	14	9	0	Lucretia Wolfe	4	16	0	
Widow Dorsett	2	0	0	Anthony Wolfe	4	14	0	
Judas P. Spooner	21	12	0	Simon Wolcott	108	9	1	
Richard Stroud	23	15	0	Eliza Wescott	87	6	0	
James Smith	4	7	8	James Young	13	2	0	
James Stewart	13	18	6	Temperance Moore	24	3	0	
Lucy Starr	5	9	8	Samuel Belden	1771	15	6	
William Stark	17	9	10	Joanna Short	276	14	0	
Sarah Setchell	56	16	0	James Thompson	350	0	7	
John Spencer	58	8	0	Michael Melally	94	4	7	
Joshua Starr	1250	11	1	John Way	590	3	11	
Roswell Saltonstall	1800	0	0	Thomas Bowhay	49	17	1	
Winthrop Saltonstall	1181	16	8	Joshua Hempsted	62	15	3	
Nathl. Thorp	3	13	5	Nathl. Saltonstall	146	9	6	
Bethiah Tallman	63	5	0	John Thompson	59	16	9	
Daniel Tinker	22	17	6	Spere Douglass	8	15	7	
James Tilley	1533	10	3	Chapman Simmons	22	18	0	
John Tilley	6	12	6	Elizabeth Beebe	16	6	0	
Mary Taylor	26	15	10	John Hallum & Benjamin Harris	300	0	0	
Daniel Truman	6	0	0	Mary Ward	28	0	0	
Edward Tucker	25	15	9	Stephen Culver	3	16	0	
John Welch	46	10	0	Mehitabel Leet	124	0	0	
Walter Welch	59	19	0					
Ebenezer Way	15	16	1					

ACCOUNT OF LOSSES

With the sums due each person of the town of Ridgefield, viz:

Samuel Olmsted	74	18	9	Philip Dauchey	3	8	4
Ebenezer Olmsted	5	1	4	Matthew Keeler	6	16	8
Thaddeus Rockwell	26	18	0	John Smith	13	7	2
Samuel Olmsted, 2d	23	16	7	Samuel Smith	18	15	2
Philip B. Bradley, esq.	20	9	0	Benjamin Smith	4	14	0
Lydia Gilbert	34	10	6	Jeremiah Birchard	12	0	
Timothy Keeler, 2d	51	9	0	Samuel Camp	33	17	10
Gamaliel Northrop	87	13	7	Isaac Keeler	194	0	0
Benja. Northrop	159	7	6	Lemuel Abbot	5	16	0
Daniel Smith	183	4	6	James Northrop	53	17	4
John Northrop	142	17	5	Abraham Rockwell	10	4	4
Thomas Seymour	65	16	6	John Keeler	23	0	4
Hannah Seymour	18	7	3	Timothy Benedict	6	18	6
Sarah Morehouse	189	6	9	Ichabod Doolittle	5	15	4
David Olmsted	36	2	0	Jemima Keeler	18	8	
Joseph Stebbins	19	16	0	David Rockwell	8	4	6
Daniel Smith, 3d	30	19	10	Samuel Keeler	4	13	0
James Sturges	10	11	8	Ebenezer Sherwood	5	13	4
John Dauchey	11	4	0	Stephen Norris	3	0	0
George Talcott	12	17	4	Daniel Cooley	1	18	8
Daniel Smith, 2d	2	13	4	Mary Hayes	3	16	0
Ebenezer Jones	5	4	8	Abijah Rockwell	3	5	2
Bartlett Talcott	6	10	10	Abijah Smith	16	14	0
Ebenezer Stebbins	1	13	8	Jonah Foster	10	3	10
Jesse Benedict	11	10	2	Sarah Silsbe	2	13	8
John Abbott	4	2	8	Elihu Deforest	2	0	0
Bartholomew Weed	3	13	4	Prue Northrop	4	4	0
Hope Rhodes	7	10	0	Nathan Foster	10	8	
Stephen Smith	8	5	0	Mary Gray	1	6	8
Martha Keeler	2	2	4	David Rockwell, 2d	3	2	10
John Watrous	3	12	0	Abner Wilson	9	0	0
David Perry	3	2	0	Samuel Keeler, 2d	1	7	8
James Scott	2	12	8				

N. B. The sums advanced to the town of Ridgefield, by grants of the General Assembly, are deducted from each man's respective sum and the net balances ascertained.

FOR GROTON.

Sufferers' names and losses.	£.	s.	d.	£.	s.	d.	
Amos Avery	12	2	2	Elisha Morgan	7	13	0
Prudence Avery	270	14	8	Joshua & Isaac Morgan	4	10	0
Thankful Avery	263	16	8	Mary Moore	10	15	6
Rufus Avery	132	18	4	Frederick Moore	269	2	0
Lydia Avery	157	12	1	Shoram Negro	6	9	0
Latham Avery	103	5	6	Ebenezer Ledyard, esq.	1151	3	4
Ebenezer Avery	30	0	4	John Latham	94	18	9
Phebe Avery	2	2	0	Bridget Ledyard	397	14	5
Peter Avery	4	13	0	Youngs Ledyard, dec'd	75	0	0
George Avery	8	8	2	William Leeds	360	7	8
Hannah Avery	15	6	6	Benjn. & Caleb Ledyard	200	0	0
Elizabeth Avery	2	6	0	Anne Ledyard	142	7	10
Benjamin Avery	3	19	0	Anne Leeds	57	15	2
Caleb Avery	7	0	6	Benajah Lester	2	7	
Ezekiel Bailey	2	19	5	Capt. Edwd. Latham	4	8	7
Stephen Billings	74	6	7	Thomas D. Lewis	13	10	
James Bailey	2	10	0	Wid. A. Latham	36	19	0
Samuel Chester	10	6	6	Capt. Wm. Latham	45	2	2
Eldridge Chester	6	11	0	Lydia Latham	92	4	6
Jedediah Chester	21	13	2	Mary Latham	4	0	0
Benjamin Chester	442	3	0	Jonathan Latham	3	4	8
Benjn. Chester, as Exr.	300	15	0	Elizabeth Latham	15	12	6
Charles Chester	6	19	0	Amos Prentice, esq.	566	1	6
Thomas Chester	15	5		Elisha Prior	34	12	11
Daniel Chester	19	15	6	Abigail Palmer	6	19	4
Jason Chester	20	18	0	Alexander Reed	60	18	1
Esther Conklin	39	1	6	Thomas Shaw	1	1	6
Simeon Chester	8	15	0	Nathaniel Seabury	3	18	0
Nathan Darrow	9	1	1	Thankful Stanton	8	9	
Mary Dodge	14	6	0	Jabez Sholes	9	9	
Charles Eldridge, jr.	755	6	7	Nathan Sholes	15	3	
Daniel Eldridge	4	14	0	John Starr	19	6	
Serjt. Daniel Eldridge	1	1	9	Sarah Stedman	14	2	
Thomas Griffin	3	8	0	Lucretia Sholes	4	9	0
Robert Gallup	11	6	6	James Smith	6	2	0
Andrew Gallup	14	8	0	Experience Ward	2	19	5
John Hicks	7	8	0	Eunice Williams	15	9	0
Jona. Havens	11	9	0	Samuel Walsworth	10	11	6
Ruth Holliday	43	11	3	Christopher Woodbridge	1	3	0
Edward Jeffrey	158	5	4	Peter Williams	27	7	6
Alexander Kidd	9	5	11	Benjamin Vose	6	8	6
Thomas Mumford, esq.	604	16	0	Ezekiel Yerington	2	7	6
Elizabeth Moore	62	10	9	Elizabeth Seabury	177	11	0
Henry Mason	27	18	0	John Brown	29	5	8
Nancy Moore	30	10	2	Daniel Williams	7	13	0
Prudence Minor	17	19	10	Elisha Avery	10	14	5
Rebecca Minor	1	6	11				

NOTE.—A survey was directed to be made, at the expense of the grantees, to contain, within its out lines, 500,000 acres.

[*Act of Connecticut, May, 1795, Revised, 1808, p. 456.*]

An Act for recording Conveyances of certain Lands lying on Lake Erie.

That all deeds conveying any of said lands, shall be recorded in the town clerk's office in the town or towns where the loss or damage of the original grantee, or grantees, mentioned in said grant was sustained, by the town clerk of such town, in a book to be by him kept for that purpose only, and by him to be provided at his own expense, and he to be entitled to his lawful fees for recording; which record shall be of the same validity as other town records. And all such deeds already executed, when so recorded as aforesaid, shall be considered as if recorded at the date thereof: *Provided* the same are recorded before the first day of October next.

Deed for land on Lake Erie, how recorded.
Proviso.

[*Act of Connecticut, October sess. 1796, Revised, 1808, p. 452.*]

An Act for incorporating the Proprietors of the Half Million Acres of Land lying South of Lake Erie.

SEC. 1. That the proprietors of said lands be a body corporate and politic, and they are hereby ordained, constituted, and declared to be a body corporate and politic, for the purposes herein mentioned, in fact and in name, and shall be known and called by the name of "*The Proprietors of the Half Million Acres of Land lying south of Lake Erie,*" and by that name they and their heirs and assigns may and shall have succession, and shall be persons known in law, capable of suing and of being sued, of pleading and being impleaded.

Proprietors of the half million acres on Lake Erie incorporated.

SEC. 2. That in each of said towns shall be an annual meeting of the grantees within such towns, or those who legally represent them, on the last Tuesday of December, at nine o'clock, A. M. at the place in such town where the free-men's meetings are usually held, which proprietors when met shall choose a clerk and chairman, which clerk shall take the following oath, viz:

Annual meeting to be held, &c.

"You A. B. being chosen clerk for the proprietors of this meeting, do swear that you will faithfully execute the office of such a clerk according to your best skill, and make entry of all such votes as shall be made, and deliver true copies of the same when they shall be required of you, taking only your just fees." *So help you God.*

SEC. 3. And the fees of such clerk shall be the same as the fees of town clerks, and he shall continue in office till another be chosen and sworn.

SEC. 4. And said proprietors shall proceed to choose an agent or agents, to represent them in a general meeting for the current year as herein after directed, and the number of

Agents appointed.

agents which may be sent, shall be regulated in the following manner, viz:—The proprietors in those towns whose allowed losses are £10,000 or less, may send one agent; those from ten to twenty thousand, may send two; those from twenty to thirty thousand, may send three, and so in the same proportion: *Provided*, That the proprietors in those towns which are entitled to send more than one agent, shall be at liberty to send one only, or a number less than they are entitled to send; and said agent or agents shall have the same number of votes in general meeting, as the whole number of agents which the proprietors of such towns might have sent, should have had, if present in such meeting.

Proviso.

Manner of choosing agents.

SEC. 5. And in choosing said agents the votes of the proprietors in the several towns shall be reckoned in the following manner, viz: Those whose losses are less than £100 shall have one vote; those from one to two hundred shall have two votes; those from two to three hundred, shall have three, and so in the same proportion: *Provided*, That no amount of any single loss shall entitle to more than ten votes, and that each original grantee or proprietor, if absent, may vote by representation according to his allowed loss, or interest in said lands; and that every present or future proprietor, shall vote according to the aggregate of his interest (not according to the number of losses which he has purchased) according to the above ratio.

Proviso.

Collector to be appointed, &c.

SEC. 6. And said proprietors shall also choose a collector, who shall be sworn to a faithful discharge of his trust; and it shall be his duty to warn meetings, and to collect taxes, and to do such services in relation to said proprietors, as the general meeting shall direct; and said collectors are hereby empowered to do the same, taking their just fees, which shall be equal to those of the constables in the several towns of this state.

Proprietors may meet, &c.

SEC. 7. And after said first meeting, said proprietors shall have power to meet and adjourn, and to appoint times and places of meeting, according to regulations to be made by the general meeting: *Provided however*, That the towns of New-Haven, and East-Haven, whose losses were granted together, shall meet in said New-Haven, and proceed as one town in the business aforesaid.

Proviso.

General meeting of agents to be held in New-Haven.

SEC. 8. That a general meeting of the agents from said towns, shall be held in said New-Haven at the state-house, on the second Tuesday of March, 1797, at nine o'clock, A. M. which meeting shall choose a clerk, moderator and treasurer, all of whom shall be sworn to execute faithfully their respective offices, and thereupon the several agents shall be sworn by the clerk to execute their trust, and to do what in their judgment will conduce to the best interest of the proprietors; and said officers and members shall continue in trust till others be chosen and sworn in their stead.

SEC. 9. And said general meeting shall have power to ^{A common seal may be appointed.} appoint a common seal, and to cause their clerk to procure and improve the same: also to adopt and prosecute measures for extinguishing the Indian title, and for surveying and locating said lands, and making partition thereof in townships or otherwise, and whatever else shall to them appear necessary or proper for the well ordering of the interest of said proprietors; and said general meeting shall have power to ex- ^{General powers.} amine all accounts or charges and expenses, which have arisen in necessary business done for the general interest of the proprietors, to an amount not exceeding one hundred dollars, or which may necessarily hereafter arise, whatever may be the reasonable amount thereof and allow what they shall find due to any person or persons, and may direct their clerk to register the sums allowed, and to give orders on their treasurer for the payment thereof, whose duty it shall be to pay the same, from a fund to be provided in a manner hereafter specified.

SEC. 10. That for defraying all necessary and proper ex- ^{Taxes may be laid on proprietors.} penses which have arisen as aforesaid, not exceeding said amount, or which may arise relating to said lands, it shall be in the power of said general meeting to lay taxes on the proprietors of said lands, and to appoint the times when payable, and said taxes shall be laid on the original rights, according to the names and amount of losses; and it shall be the duty of the treasurer of said proprietors, to grant warrants to the collectors of the proprietors in the several towns, to collect such tax of the proprietors, or in case of their neglect or refusal, from the sale of the rights; and said collectors shall proceed in the collection and sale aforesaid, in the same ^{Duty of collector, &c.} manner as collectors of state taxes now proceed, and said lands to be subject to the same equity and terms of redemption: *Provided*, That the persons, and other property of the proprietors, shall not be subject to the payment of such tax or taxes, but the lands only: *Also provided*, That twenty days notice of such sale shall be given in the town where the original grantee lived, on the sign-post in such town, and in the newspaper published in or nearest said town: and in case of neglect or refusal of any collector to settle with and pay the treasurer of said proprietors by the time specified, it shall be the duty of the treasurer, to issue a distress against the proprietors of the town where such negligent collector dwells, which distress shall be directed to the sheriff of the county in which such proprietors dwell, him by the authority of this state commanding, to require by personal application to at least five of the considerable proprietors, payment of the taxes or arrears of taxes, which may be due from their collector, together with his fees; and upon their neglect or refusal, said sheriff to advertise, and sell as in the case of executions, so much of the rights or shares of such proprietors, or any of ^{Proviso; distress may issue and shares may be sold.}

them, as shall be sufficient to pay the same, together with all legal fees and charges thereon; and all distresses so granted, shall be returnable in sixty days from the date thereof; and it shall be the duty of such sheriffs to receive such distresses, and they are hereby empowered to execute the same; and said sheriffs in case of their neglecting their duty herein, shall be liable to the treasurer of said proprietors in the same manner as they are liable in like cases to the treasurer of this state; and all sales of rights or parts of rights, made as aforesaid by such collector or sheriffs, shall be as valid to the purchaser, (subject only to said equity and terms of redemption) as if he had received the same from the original grantee, and deeds shall be made such collectors and sheriffs accordingly.

Manner of
voting.

SEC. 11. That each of said agents in general meeting shall have an equal vote, and any agent or agents who shall not attend said general meeting, may vote by representation, on giving a written power to any other agent or agents to vote and act for him or them.

Meeting may
make by-laws,
&c.

SEC. 12. And said general meeting shall have right and power to make any by-laws for the well ordering of said propriety, which shall not be contrary to this act nor the laws of this state; and such by-laws after being published twenty days in the newspapers of New-London, New-Haven and Fairfield, or Danbury, shall until altered, revoked, or suspended by said general meeting, be binding upon all the proprietors.

Future meet-
ings regulat-
ed.

SEC. 13. And said first general meeting shall have power to make regulations respecting their future meetings, and may meet and adjourn as occasion may be; but may at any time be convened in said New-Haven or Hartford, as the general meeting may direct, by timely written notice from the moderator to each of the agents; and it shall be the duty of said moderator, on application of not less than half the number of all the agents, to issue such notices, therein specifying the time, place, particular occasion and business of their meeting: and said meetings may proceed to business whenever a major part of the members are present, and not before: *Provided*, That this act of incorporation shall not operate to alter or affect the proportion of interest of the grantees in the original grant, or their assigns: *Provided also*, That this act shall not be binding or obligatory on the original grantees, or their heirs or assigns, excepting those who shall enter their names with the clerk of the grantees, in the town or towns where their respective loss or losses were sustained: *Provided nevertheless*, That when any grantee or grantees, his or their heirs or assigns shall have entered his or their name or names as aforesaid, they shall be subjected to pay his or their proportion of all expenses, that may have

Proviso.

Proviso.

been incurred by said proprietors, in the management of their said concerns.

SEC. 14. And this act shall to all intents be a public act, and shall continue in force during the pleasure of the General Assembly. This a public act.

[*Act of Connecticut, May, 1797, Revised, 1808, p. 455.*]

An Act in addition to, and alteration of an Act, entitled "An Act for Incorporating the Proprietors of the Half Million Acres of Land, lying south of Lake Erie.

SEC. 1. That so much of said act as is contained in the words following, viz: "*Provided also, That this act shall not be binding or obligatory on the original grantees, or their heirs or assigns, excepting those who shall enter their names with the clerk of the grantees, in the town or towns where their respective loss or losses were sustained: Provided nevertheless,* Part of original act repealed. *That when any grantees, his or their heirs or assigns, shall have entered his or their name or names as aforesaid, they shall be subjected to pay his or their proportion of all expenses, that may have been incurred by said proprietors in the management of their said concerns,*" be and the same is hereby repealed. Proviso.

SEC. 2. That in all cases where the lands, rights, shares or losses of the original grantee or grantees, his, her or their assigns, shall be sold for the payment of any tax or taxes, in pursuance of said act of incorporation; the said grantee or grantees, his, her or their assigns at the time of such sale being under the age of twenty-one years, *feme covert, non compos mentis*, or beyond the seas; that such person or persons, his and their heir or heirs, at any time within one year next after his or their full age, discoveriture, or coming of sound mind, or returning from beyond the seas, shall or may pay and satisfy or tender to the person or persons so purchasing of said collector, the purchase money together with all costs and charges, and double interest thereon. And upon such payment or tender, said purchaser shall re-deliver his deed from said collector, to the person or persons who shall pay or tender as aforesaid, if the same be at the time of tender unrecorded, and thereupon the title of said lands shall be vested in the proprietor for whose taxes the same was sold, and upon refusal to deliver the deed as aforesaid, the same shall be and become void; but if said deed shall have been recorded, the purchaser in that case shall immediately re-convey said lands to the person who shall pay or tender as aforesaid. Rights of females covert &c. saved.

[*Act of Ohio, 15th April, 1803, 1st. v. p. 106.*]

An Act to incorporate the owners and proprietors of [the] half million acres of land, lying south of Lake Erie, in the county of Trumbull.

Proprietors of
said half mil-
lion of acres
incorporated.

SEC. 1. That the owners and proprietors of said half million acres of land be, and they hereby are, ordained and constituted a body politic and corporate, in fact and in name, by the name of "The proprietors of the half million acres of land, lying south of Lake Erie, called Sufferers' Land," and by that name they, their heirs and assigns, may and shall have succession, capable of suing and being sued, of pleading and being impleaded.

Board of di-
rectors and
powers.

SEC. 2. That there be a board of directors for said owners and proprietors, consisting of nine persons, one of whom is to represent each of the respective suffering towns aforesaid, except the town of New-London, which town shall have two votes in said directors, and in case of the absence of one of the directors from said town, the attending director shall give the two votes; any five of whom shall have power to do the business of the said company, and also have power to appoint a chairman, clerk, treasurer and collector or collectors; and said directors, clerk, treasurer and collector or collectors, shall be by some magistrate, justice of the peace or notary public, severally sworn to a faithful discharge of their respective offices, all of whom shall continue in office until others are appointed and sworn in their room, and that said treasurer and collector or collectors, shall become bound to said directors in such penal sum as said directors think necessary by bond with surety, conditioned for the faithful performance of their respective offices; and that said directors, for and in behalf of said proprietors, be, and they are hereby authorized (whenever and as soon as they shall obtain permission under the authority of said United States to hold treaty) to adopt and prosecute measures to extinguish the Indian claim of title in and to said half million acres of land; to survey and locate the same into townships or otherwise, and to make an exact partition thereof, to and among the owners and proprietors thereof and their assigns, in proportion to the amount of the loss or losses by them respectively owned, at the time of making such partition, in such way and manner as said board of directors shall order; and they are hereby authorised to fill all vacancies in said offices; and that to defray all necessary expenses of said company in purchasing and extinguishing the Indian claim of title, surveying, locating and making partition thereof as aforesaid, and all other necessary expenses of said company, power be and the same is hereby given to and vested in, said directors, and their successors in office, to levy a tax or taxes (two-thirds of the said directors present agreeing thereto)

on said land, and have power to enforce the collection of the same: *Provided*, That no tax shall be levied but by a vote of two-thirds of the directors present.

SEC. 3. That Jabez Fitch of Greenwich, Taylor Sherman of Norwalk, Walter Bradley of Fairfield, Philip B. Bradley of Bridgefield, James Clark of Danbury, Isaac Mills of New-Haven, and East-Haven, Elias Perkins and Guy Richards of New-London, and Star Chester of Groton, be and they are hereby constituted and appointed the first directors for said company, and may hold their first meeting, after passing of this act, at such time and place as any five or more of said directors shall appoint: *Provided*, Such director so agreeing to such first meeting shall give the rest of said directors at least six days notice, by summons or other actual notice, previous to said first meeting of said directors, and that said directors, so assembled, being sworn as aforesaid, shall proceed to the choice of a chairman, clerk and other officers, for the purpose aforesaid, and shall have power to adjourn from time to time and from place to place, and to warn future meetings of said directors, at such time and place, and in such manner as they may think proper.

Persons appointed first directors.

Power of directors, &c.

SEC. 4. That from and after the first meeting of said directors, the directors shall be chosen once in two years or biennially, from the said towns severally, by the proprietors of said lands holding losses sustained in said towns, each town to choose one director, except the town of New-London, which is to choose two directors, and the time and manner of holding and voting in said election shall be regulated by the said directors, at their first meeting.

Directors how chosen after first meeting.

SEC. 5. That it shall be the duty of said clerk to truly enter and record, all votes and doings of said directors, and that he shall, on application, give true copies thereof, and the same being duly certified under his hand and seal, shall in all cases be received and allowed as evidence.

Clerk's duty.

SEC. 6. That when any tax or taxes be laid as aforesaid, it shall be the duty of the treasurer to grant warrants to said collector or collectors to collect the same, and to account for and pay over the avails thereof, as said directors shall order, and that all sales of lands for taxes to the company shall be made in towns where the losses were sustained.

Treasurer's duty.

SEC. 7. That it shall be the duty of the collector or collectors to execute all warrants to him or them directed by said treasurer, for collection of any tax or taxes laid by said board of directors. And said collector or collectors, shall give due and reasonable notice of the time when said tax or taxes are or shall be payable to the treasurer of said directors, by advertising the same at least three weeks successively, in at least one newspaper published in each of the counties of Fairfield, New-Haven and New-London, in said state of Connecticut, and by giving any further notice in

Collector's duty.

Proviso.

or without said state of Connecticut, as said directors may order, and that said tax or taxes shall be assessed on the original rights or losses, in proportion to each person's respective share or loss, as set in said grant: *Provided*, That said lands only shall be subject to the payment of said tax or taxes; and that when any tax or taxes, after the time limited for the payment thereon remains unpaid, it shall be the further duty of said collector or collectors to give notice of time and place, in manner aforesaid, that he or they shall proceed to sell, at public vendue, so much of the original loss and right of such delinquent proprietor, as will be sufficient to pay said tax or taxes, and all reasonable charges arising thereon, and said notice to be at least sixty days previous to any sale being made by any collector.

Directors may sue for trespass, &c.

SEC. 8. That said directors and their successors shall have authority, and are empowered to institute any prosecution, real, personal or mixed, as the case may require, against any person or persons, who shall at any time enter on the said lands, or any part of them, or commit any act of trespass thereon, and pursue such action to final judgment and execution, and to adjust and settle the accounts of the former incorporation, and to bring the officers and servants of said former incorporation to account and final settlement by suits at law or otherwise.

Sales of rights by collector valid, &c.

SEC. 9. That all sales of rights, or parts of rights, of any owner or proprietor in said half million acres of land, made by any collector as aforesaid, shall be good and valid so as to secure an absolute title in the purchase, unless the said owner and proprietor shall redeem the same within six calendar months next after the sale thereof, by paying the tax or taxes for which the said right or rights or parts thereof, had been sold, with twelve per cent. interest thereon and costs of suit.

Directors' powers.

SEC. 10. That said directors shall have power and authority, and the same is hereby given to them and their successors, to do whatever shall to them appear necessary and proper to be done, for the well ordering and interest of said owners and proprietors, not contrary to the laws of this state.

Directors to state accounts of corporation, &c.

SEC. 11. That it shall be the duty of the said directors to state the accounts of said corporation, annually, and leave the same in the hands of the treasurer for the inspection of any of said proprietors, and supplies of money which shall remain in the hands of the treasurer after the Indian title shall be extinguished and said land located and partition thereof made, shall be used by said directors, for the laying out and improving the public roads in said tract, as this assembly shall direct.

This a public act.

SEC. 12. That this act shall be and remain a public act during the pleasure of this Assembly.

[Act of February 20, 1812, 10 v. L. Ohio, p. 163.]

WHEREAS it is represented to this General Assembly, by the directors of the proprietors of the half million of acres of land lying south of Lake Erie, called "*Sufferer's Land*," incorporated by that name, by an act of the General Assembly of this state, passed the fifteenth day of April, one thousand eight hundred and three, that by virtue of the authority vested in them by said act, the said proprietors have extinguished the Indian claim of title to said land, surveyed and located the same into townships and sections, made an exact partition thereof to and among the proprietors, and used the surplus monies, which remained in the hands of their treasurer after the Indian title was extinguished, and partition of said lands was made, amounting to about two thousand six hundred dollars, for laying out and improving the public roads in said tract, and have now fully done and completed all and singular the matters and things which the interest of said proprietors required, and agreeably to the provisions and requirements of said act of incorporation:

And whereas, it is further represented by the said directors, that in transacting the business of said company, under the provisions of the act aforesaid, they have caused their clerk to make and keep a true entry and record of all the votes and doings of the directors, agreeably to the requirements of said act, and that said company have, in consequence thereof, two record books, one of which contains the votes and proceedings of the directors, and a record of the field minutes of the survey of said land; and the other, a complete partition of the whole of said half million of acres, both which record books are certified to be the records of said company, by Isaac Mills, esq. their clerk, and deposited in the hands of the recorder of Huron county, where the directors of said company pray they may be and remain as part of the records of said county—**THEREFORE,**

SEC. 1. That the record books, aforesaid, containing the votes and proceedings of the directors of said company, and records of the field minutes of the survey of said half million of acres, and the record of partition thereof, be kept by the recorder of Huron county and his successors in office, and that said record books be and remain a part and parcel of the records of said county, and that any certified copies therefrom, which may hereafter be made by the recorder of said county, may be used and read as legal evidence in all courts of record or elsewhere; and it shall be the duty of the recorder of Huron county, to give a certified copy of any part of said records, to any person demand-

Records to remain in Huron county and copies made evidence.

ing the same, for which he shall be entitled to the same fees as are provided by law for copies of other records.

Expenditure **Sec. 2.** That the expenditure of said sum of two thou-
on roads rati- sand six hundred dollars, surplus money, in laying out and
fed. improving the public roads on said lands, as before mention-
ed, be, and the same is hereby, ratified and confirmed.

Effect. This act to take effect from and after the passage thereof.

Virginia Military Bounties.

[Act of May, 1779, Henning's Statutes of Virginia, 10 v. p. 23.]

SEC. 1. That every able bodied freeman who will enlist, Bounties in and who having enlisted to serve a particular period of time money, lands, unexpired, will re-enlist to serve during the continuance of &c. the present war, among the troops of this commonwealth, either at home or in the continental army, as he shall be directed, or as a sailor or marine on board the armed vessels in this commonwealth, shall receive so much money as with the continental bounty if he be put on that service, shall make up seven hundred and fifty dollars, taking into account in the case of re-enlistment the bounty before paid the soldier, sailor, or marine re-enlisting, and the pay and rations allowed to the like soldiers, sailors or marines in the continental service to begin from the day of his enlistment; he shall also be furnished at the public expense, with a coat, waistcoat, pair of overalls, two shirts, a pair of shoes, and a hat, to be delivered at the place of rendezvous, and with the like articles every year after, during his service, to be delivered at his station; in lieu of such of those articles as are allowed by Congress, which articles so allowed by Congress, shall be received by proper officers to be appointed by the governor with advice of council, and applied to the discharge of the engagements of this act, or otherwise to the use of this commonwealth as the governor with advice of council shall direct. At the end of the war every of the said soldiers, sailors, and marines, shall be entitled to a grant of one hundred acres of any unappropriated land within this commonwealth, and every of the officers commanding the said soldiers, sailors, or marines, shall be entitled to a grant of the like quantity of lands as is allowed to officers of the same rank in the Virginia regiments on continental establishment, which they shall locate according to the directions of the laws, for which no purchase money shall be required on behalf of the commonwealth.

[*Act of May, 1779, 10 v. Hen. St. Va. p. 51. Chan. Rec. 95.*]

SEC. 2. And whereas a certain bounty in lands hath been engaged to the troops on continental establishment, raised by the ordinances of convention or the laws of this commonwealth, and to the troops upon Virginia establishment:

Land bounties
upon what
evidence ob-
tained.

Be it enacted, That the officers and soldiers of the said troops, as well as the officers and soldiers to whom a bounty in lands may, or shall be hereafter allowed, by any law of this commonwealth, shall be entitled to the quantity of waste or unappropriated lands respectively engaged to them by such laws, a commissioned officer or his heirs, upon certificate from any general officer of the Virginia line, or the commanding officer of the troops on the Virginia establishment, as the case may be, and a non-commissioned officer or soldier, or his heirs, upon certificate from the colonel or commanding officer of the regiment or corps to which they respectively belonged, that such officer or soldier hath served the time required by law, or hath been slain or died in the service, distinguishing particularly the time such officer or soldier hath served, and in what regiment or corps such service hath been performed, or death happened; and upon making proof before any court of record within this commonwealth by the person's own oath, or other satisfactory evidence of the truth and authenticity of the said certificate, and that the party had never before proved or claimed his right to land for the service therein mentioned, which proof the clerk of the court before whom it shall be made, is hereby empowered and required to endorse and certify upon the original certificate, making an entry or minute thereof in his order book and recording the same; and every county court shall annually, in the month of October, send to the register's office, a list of all certificates granted by their respective county courts upon any of the before mentioned rights, there to be recorded.

Warrants how
obtained, &c.

SEC. 3. That upon application of any person or persons, their heirs or assigns, having title to waste or unappropriated lands, either by military rights or treasury rights, and lodging in the land office a certificate thereof, the register of the said office shall grant to such person or persons a printed warrant under his hand and the seal of his office, specifying the quantity of land and the rights upon which it is due, authorising any surveyor duly qualified according to law, to lay off and survey the same, and shall regularly enter and record in the books of his office, all such certificates and the warrants issued thereupon, which warrants shall always be

good and valid until executed by actual survey, or exchanged Warrants, in the manner herein after directed: *Provided*, That no war-^{how obtained, &c.} rant on treasury rights, other than pre-emption warrants, to be obtained by virtue of this act, shall be granted or issued before the fifteenth day of October next; nor shall the surveyor of any county admit the entry or location of any warrant on treasury rights, except pre-emption warrants, in his books, before the first day of May next. Any person holding a land warrant upon any of the before mentioned rights, may have the same executed in one or more surveys, and in such case, or where the lands on which any warrant is located shall be insufficient to satisfy such warrant, the party may have the said warrant exchanged by the register of the land office for others of the same amount in the whole, but divided as best may answer the purposes of the party, or entitle him to so much land elsewhere as will make good the deficiency. No entry or location of land shall be admitted Locations not to be made on certain lands. within the county and limits of the Cherokee Indians, or on the northwest side of the Ohio river, or on the lands reserved by act of Assembly for any particular nation or tribe of Indians, or on the lands granted by law to Richard Henderson and company, or in that tract of country reserved by resolution of the General Assembly for the benefit of the troops serving in the present war, and bounded by the Green river and a south east course from the head thereof to the Cumberland mountains, with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tennessee river, with the said river to the Ohio river, and with the Ohio to the said Green river, until the further order of the General Assembly.

All persons, as well foreigners as others, shall have right to assign or transfer warrants or certificates of survey for lands. ^{Plats and certificates assignable.}

SEC. 4. And whereas, through the ignorance, negligence, or fraud of surveyors, it may happen that divers persons now do or may hereafter hold within the bounds expressed in their patents or grants, greater quantities of land than are therein mentioned; for quieting such possessions, preventing controversies, and doing equal justice to the commonwealth and its citizens: *Be it enacted* That it shall not be lawful for any person to enter for, survey, or take up, any parcel of land held as surplus in any patent or grant, except during the lifetime of the patentee or grantee, and before any transference, conveyance, or other alienation shall have been made of the lands contained in such patent or grant, and until the party intending to enter and take up the same, shall have given one full years notice to such patentee or grantee of such his intentions; and in case such patentee or grantee shall not within the year, obtain rights and sue forth a patent for the surplus land by him held, it shall be lawful for the person who gave notice as aforesaid, upon producing

^{How grants for surplus lands shall be obtained.}

a certificate from the clerk of due proof of such notice before the court of the county wherein such patentee or grantee resides, to demand from the register of the land office, a warrant to the surveyor of the county wherein such lands lie, to resurvey at the proper charge of the person obtaining such warrant, the whole tract within the bounds of the patent or grant, and upon such persons returning into the land office a plat and certificate of such resurvey, together with the warrant on which it is founded, and obtaining and producing new rights for all the surplus land found within the said bounds, he may sue forth and obtain a new grant for such surplus, which shall be granted to him in the same manner as waste or unappropriated lands; but the former patentee or grantee may assign such surplus land in any part of his tract as he shall think fit in one entire piece, the breadth of which shall be at least one third of the length; and in such new grant there shall be a recital of the original patent or grant, the resurvey of which the surplus was ascertained, and of other material circumstances.

Remedy for
landholders
unjustly vex-
ed.

SEC. 5. *Provided always*, That if upon notice given as aforesaid, the original patentee or grantee shall within the year resurvey his tract, and it be thereupon found that he hath no more than the quantity of land expressed in his patent or grant, with the allowance herein after mentioned, the party giving such notice shall be liable to pay all charges of such resurvey, for which he shall give sufficient security to the said patentee or grantee at the time of the notice, otherwise such notice shall be void and of no effect; and moreover for his unjust vexation, shall also be liable to an action upon the case at the suit of the party grieved, and that in all such new surveys, the patentee or grantee shall have an allowance at the rate of five acres in every hundred, for the variation of instruments.*



[*Act of Oct. 1779, 10 v. Hen. St. Va. p. 141.*]

Bounties to
chaplains, &c.

SEC. 1. That every person acting as chaplain, surgeon, or surgeon's mate, to any regiment or brigade of officers and soldiers raised within this commonwealth, and upon continental establishment, and who hath, or shall hereafter serve in that office the space of three years or during the war, shall be entitled to and have the like quantity of lands as is by law allowed to commissioned officers receiving the same pay and rations.

*The residue of this act regulates surveys, the proceedings upon caveats, the forms of grants, and prescribes how mistakes in the courses and description of the bounds may be rectified, &c.

[*Act of Oct. 1779, 10 v. Hen. St. Va. p. 160, Chan. Rev. 112.*]

SEC. 2. And whereas no law of this commonwealth hath ^{Land bounties} yet ascertained the proportions or quantity of land to be ^{to officers, &c.} granted, at the end of the present war, to the officers of the Virginia line on continental or state establishment, or to the officers of the Virginia navy, and doubts may arise respecting the particular quantity of land due to the soldiers and sailors, from the different terms of their enlistments: *Be it enacted*, That the officers who shall have served in the Virginia line on continental establishment, or in the army or navy upon state establishment to the end of the present war; and the non-commissioned officers, soldiers, and sailors upon either of the said establishments, their heirs or legal representatives, shall respectively be entitled to and receive the proportion and quantities of land following; that is to say, every colonel, five thousand acres; every lieutenant colonel, four thousand five hundred acres; every major, four thousand acres; every captain, three thousand acres; every subaltern, two thousand acres; every non-commissioned officer who having enlisted for the war, shall have served to the end thereof, four hundred acres; and every soldier and sailor under the like circumstances, two hundred acres; every non-commissioned officer, who having enlisted for the term of three years, shall have served out the same, or to the end of the present war, two hundred acres; and every soldier and sailor under the like circumstances, one hundred acres; every officer of the navy the same quantity of land as an officer of equal rank in the army. And where any officer, soldier, or sailor shall have fallen or died in the service, his heirs or legal representatives shall be entitled to and receive the same quantity of land as would have been due to such officer, soldier, or sailor respectively, had he been living.



[*Act of May, 1780, 10 v. Hen. St. Va. p. 240, Chan. Rev. 122.*]

SEC. 6. And whereas many warrants from the register, ^{Lost warrants} may have been, or may hereafter be casually lost: *Be it en-* ^{how renewed.} *acted*, That upon satisfactory proof thereof being made, before any court of record, the owner shall obtain from such court a certificate, which shall authorize the register to issue a duplicate of such warrant, which shall have the same force as the original would have had; but such original shall be void, unless a grant shall be actually issued upon such original before application for the duplicate.

[*Act of Oct. 1780, 10 v. Hen. St. Va. p. 331.*]

Land bounty
to soldiers, 300
acres.

[SEC. 3.] And each recruit and also all our soldiers now in service that have already enlisted, or who may hereafter enlist by the said first day of April next to serve during the war, and who shall continue to serve faithfully to the end thereof, shall then receive a healthy sound negro, between the ages of ten and thirty years, or sixty pounds in gold or silver, at the option of the soldier in lieu thereof, to be paid for, or procured by equal assessment on property; and moreover be entitled to three hundred acres of land, in lieu of all such bounties given by any former laws: *Provided*, That no soldier shall alienate or assign his title to the said land or slave, until his time of service shall expire.*

[*Act of Oct. 1780, 10 v. Hen. St. Va. p. 375, Chan. Rev. 135.*]

Bounties to
general and
other officers.

SEC. 4. And whereas no provision has been made in land for the general officers of this state in continental service, therefore: *Be it enacted*, That there shall be allowed to a major general fifteen thousand acres of land, and to a brigadier general ten thousand acres of land, to be reserved to them and their heirs, in the same manner and on the same conditions as is by law heretofore directed for the officers and soldiers of the Virginia line in continental service, and there shall be moreover allowed to all the officers of this state on continental or state establishments, or to the legal representatives of such officers, according to their respective ranks, an additional bounty in lands, in the proportion of one third of any former bounty heretofore granted them.

Legal repre-
sentatives en-
titled to boun-
ty.

SEC. 5. That the legal representative of any officer on continental or state establishments, who may have died in the service before the bounty of lands granted by this or any former law, shall be entitled to demand and receive the same in like manner as the officer himself might have done when living, agreeable to his rank. And as a testimony of the high sense the General Assembly of Virginia entertain of the important services rendered the United States by the honorable major general Baron Steuben: *It is further enacted*, That fifteen thousand acres of land be granted to the said major general Baron Steuben, in like manner as is herein before granted to other major generals.

Grant to Ba-
ron Steuben.

*Mr. Henning, in a note to this act, says—"The provisions of this act, which grants 300 acres of land to soldiers, who *have* enlisted or *should* enlist for the war, and who should serve to the end thereof, instead of 200, as by the former act of October, 1779, has been entirely overlooked in practice." This, he thinks, was owing to the fact that the title only was printed in the Chancellor's Revision, and that those who were called upon to execute the various laws, looked to that compilation, as containing all the laws in relation to land bounties.

[*Act of Oct. 1780, 10 v. Hen. St. Va. p. 466, Chan. Rev. 145.*]

SEC. 9. That the governor, with the advice of the council, shall, as soon as the circumstances of affairs will admit, appoint surveyors, to be nominated, examined and commissioned in the usual form, for the purpose of surveying and appor-^{When and how lands of officers, &c. shall be surveyed.} tioning the said lands and the tract heretofore reserved for the said purpose to the said officers and soldiers agreeable to their ranks respectively, in such manner and in such proportions as are allowed by act of assembly as a bounty for military services: And it shall be lawful for the said officers to depute and appoint as many of their number as they may think proper to superintend the laying off the said lands, who shall have power to choose the best of the same, thus to be allotted, and point the same out to the said surveyors, who shall proceed to survey the same in the proportion as they shall be directed by the said superintendents, and shall in the same manner be subject to their orders throughout the survey, which said surveys shall be at the expense of the officers and soldiers: And after such survey, the portions of each rank shall be numbered, and the said officers and soldiers shall according to their ranks respectively, proceed to draw lots for the numbers, which they shall have power to locate as soon as they shall think proper; which said lands shall be free from taxation during the continuance of the present war: *Provided nevertheless*, That if at any time after the said location and allotment shall have taken place, any officer shall resign, or by his misconduct forfeit his commission, the lot by him so located shall revert to the state: *And provided also*, That nothing contained in this act shall be construed to debar the officers of the artillery and cavalry, citizens of this state who received their appointments originally in the same, and have by a regular line of succession been, or shall be promoted to a corps raised in another state, from any of the benefits hereby granted, or intended to be granted, to the officers of the Virginia line.

[*Act of Nov. 1781, 10 v. Hen. St. Va. p. 499.*]

SEC. 1. That the governor, with the advice of council, shall appoint some discreet officer or officers in the respective coun-^{Recruits for two years or during the war.} ties within this state, to recruit, by voluntary enlistments, any number of soldiers not exceeding three thousand, for the term of two years, or during the war; each soldier to be not less than five feet four inches high, not being a deserter nor subject to fits, of able body and sound mind, fit for immediate service. For every soldier enlisted as above described the recruiting officer shall be entitled to the sum of forty

shillings specie. The governor, with the advice of council, shall have power to advance any sum of money necessary for the full execution of this act, either to the officers aforesaid or to some other proper person in each respective county where the recruiting business shall be, first taking bond and good security if necessary, for the faithful application of the same. The men enlisted shall be entitled to subsistence from the day of their enlistment.

Soldiers for two years entitled to bounties and immunities of other continental soldiers. SEC. 2. That every soldier who shall enlist to serve in the continental army for the term of two years or during the war, shall be allowed the sum of twenty dollars, to be paid down as soon as he is sworn for that purpose, and shall be entitled to all other immunities that other continental soldiers are.



[Act of May, 1782, 11 v. Hen. St. p. 83, Chan. Rev. 166.]

Officers and soldiers to give in their land claims.

SEC. 7. And whereas it is necessary that the number of claims to any part of the lands appropriated for the benefit of the said officers and soldiers should be speedily ascertained: *Be it therefore enacted*, That all persons having claims as aforesaid be required, and they are hereby directed, to transmit authenticated vouchers of the same to the war office on or before the first day of January next; and if any person having such claim shall be without the state, he shall transmit the same on or before the first day of June next following.

How their land warrants are to be obtained.

SEC. 8. That the register of the land office be, and he is hereby empowered and required to grant to the said officers and soldiers, warrants for the lands allotted them, upon producing to the register a certificate of their claims respectively from the commissioner of war, and no [not] otherwise.*

Bounty for three and six years service.

SEC. 9. That any officer or soldier who has not been cashiered or superseded, and who hath served the term of three years successively, shall have an absolute and unconditional title to his respective apportionment of the land appropriated as aforesaid. And for every year which every officer or soldier may have continued, or shall hereafter continue in service beyond the term of six years, to be computed from the time he last went into service, he shall be entitled to one sixth part in addition to the quantity of the land apportioned to his rank respectively.

No locations within reservation for officers, &c.

SEC. 10. That no surveyor shall be permitted to receive any location upon any warrant for lands within the county reserved for the officers and soldiers, until the apportionment and draught for the same, as directed by the act entitled,

*October 1782, 11 v. Hen. St. Va. p. 123. The office of commissioner of war abolished, and the duties appertaining to him, directed to be performed by the executive.

"An act to adjust and regulate the pay and accounts of the officers and soldiers of the Virginia line on continental establishment, and also of the officers, soldiers, sailors and marines in the service of this state, and for other purposes."

[Act of Oct. 1783, 11 n. Hen. St. Va. p. 309, Chan. Rev. 210.]

SEC. 1. For the better locating and surveying the lands given by law to the officers and soldiers on continental and state establishments: *Be it enacted by the General Assembly, That* it shall and may be lawful for the deputations of officers, consisting of major general Peter Mughlenburg, major general Charles Scott, major general George Weedon, brigadier general Daniel Morgan, brigadier general James Wood, colonel William Heth, lieutenant colonels Towles, Hopkins, Clark, and Temple, captain Nathaniel Burwell, and captain Mayo Carrington, of the continental line, or any five of them; and brigadier general Clark, colonels Brent, Muter, and Dabney, major Meriwether, captains Roane, Rogers, and Boswell, of the state line, or any three of them, to appoint superintendents on behalf of the respective lines, or jointly, for the purpose of regulating the surveying of the lands appropriated by law as bounties for the said officers and soldiers; and that the said deputations of officers shall have power to nominate and appoint two principal surveyors, to be commissioned as other surveyors within this commonwealth, and contract with them for their fees, who shall appoint their deputies, to be approved by the superintendents; and in case of their death, or inability to act, the superintendents shall have power to appoint from time to time, a successor or successors, as the case may require. *Provided, That* one sixth part of the fees received by such surveyor or deputies, shall be accounted for to the use of the college of William and Mary, in the same manner as other surveyors are directed to account for their fees, upon surveys made by them within this commonwealth. That the holder or holders of land warrants for military bounties, given by law as aforesaid, shall, on or before the fifteenth day of March next, deliver the same to the principal surveyors, at such place or places as they shall, with the advice of the deputations, direct, endorsing on the back of each warrant the number of surveys the same shall be laid off in, specifying the quantity of each survey: *Provided, That* a general officer shall not be allowed more than six, a field officer five, and a captain and subaltern four surveys, in their respective apportionments of land, and the staff in proportion. The non-commissioned officers' and soldiers' warrants shall be put into classes, as near as circumstances will admit, of one thousand acres each,

Deputation of officers to choose superintendents and surveyors.

Two principal surveyors may be appointed.

Part of fees reserved to William and Mary college.

Warrants, when to be delivered.

Number of surveys limited.

numbered previous to the drawing, and the number of the lot drawn shall be endorsed on every such class; and the persons interested in each class, shall determine their choice by lot, in the same manner as shall be done by classes, and the same to be divided accordingly by the surveyors.

Priority of location to be determined by lot.

SEC. 2. That the priority of location shall be determined by lot, as soon as may be, after the said fifteenth day of March next, under the direction and management of the principal surveyors and the superintendents, or any three of them, according to such regulations as shall be fixed on by the present deputation, from the officers on the continental and state establishments respectively. That all warrants delivered to the principal surveyors before the sixteenth of March next, shall be first surveyed, and those delivered upon that, or any subsequent day, shall be surveyed in the same order of priority, as they may be respectively delivered to the principal surveyors. And if the proprietor of any warrant shall, either by himself or agent, decline or refuse to locate and survey agreeable to the number of lot or lots drawn thereto, such proprietor shall be postponed to those who do not refuse to locate and survey according to rotation.

Locations, &c. may be made under officers, &c. or superintendents.

Assignees to pay \$1 for every 100 acres for a contingent fund.

SEC. 3. That every officer and soldier, or their legal representatives, may attend in person, or by another authorized for the purpose, to the locating and surveying their respective portions of land; and the portions of such officers and soldiers not being transferred, who may not be represented, shall be located and surveyed under the direction of the superintendents, agreeable to their number or rotation; but the superintendents shall not be compelled to attend to the locating and surveying of lands claimed by purchase, unless such claimant attend in person, or by an agent duly authorized for that purpose. And that every person or persons holding officers or soldiers warrants by assignment, shall pay down to the principal surveyors at the time of delivering such warrant or warrants, one dollar for every hundred acres thereof, exclusive of the legal surveyors fees, towards raising a fund for the purpose of supporting all contingent expenses, or at the option of such holder or holders, the same may be held up until the warrants of all the original grantees have been surveyed; the said surveyors to account for all the money so received, to such person or persons as the said deputations may direct.

Good lands on the Cumberland and Tennessee rivers to be first surveyed.

SEC. 4. That the surveyors under the direction of the superintendents, and the claimants having a right to survey from the priority of their numbers shall proceed in the first place to survey all the good lands, to be adjudged of by the superintendents, in that tract of country lying on the Cumberland and Tennessee rivers, as set apart by law for the said officers and soldiers, and then proceed in like manner to sur-

vey on the northwest side of the river Ohio, between the rivers Scioto and the Little Miami, until the deficiency of all military bounties in lands shall be fully and amply made up: *Provided always*, That in such surveys, the same proportions be observed in length and breadth as are directed by law in other surveys within this commonwealth, and shall be closed and marked on all sides. And whatever lands may happen to be left within the tract of country reserved for the army on this side the Ohio and Mississippi, shall be saved, subject to the order and particular disposition of the legislature of this state. And that the governor, with advice of council, be, and he is hereby empowered and required to furnish the superintendents with such military aid, at such time, and in such manner, as he may judge necessary for the purpose of carrying this act into execution: *Provided*, That the aid to be ordered shall be from the Kentucky country, and not exceed one hundred men.

Deficiency to be made up between the Scioto and L. Miami.

[Act of Oct. 1783, 11 v. *Hen. St. Va.* p. 353, *Chan. Rev.* 219.]

SEC. 1. Every person having a land warrant, and being desirous of locating the same on any particular waste and unappropriated lands, shall lodge such warrant with the chief surveyor of the county wherein the said lands or the greater part of them lie, who shall give a receipt for it if required. The party shall direct the location thereof so specially and precisely as that others may be enabled with certainty to locate other warrants on the adjacent residuum; which location shall bear date the day on which it shall be made, and shall be entered by the surveyor in a book to be kept for that purpose, in which there shall be left no blank leaves or spaces between the different entries.— And if several persons shall apply with their warrants at the office of any surveyor at the same time, to make entries, they shall be preferred according to the priority of the dates of their warrants, but if such warrants be dated on the same day, the surveyor shall settle the right of priority between such persons by lot. And every surveyor shall, at the time of making entries for persons not being inhabitants of his county, appoint a time for surveying their land, and give notice thereof in writing to the persons making the same; and if on such application at his office, the surveyor shall refuse to enter such location, under pretence of a prior entry for the same lands made by some other persons, he shall have a right to demand of the said surveyor a view of the original of such prior entry in his book, and also an attested copy of it. Any chief surveyor having a warrant for lands, and desirous to locate the same within his own county, shall enter

Land warrants to be lodged with principal surveyor.

Locations to be precisely made and entered.

Preference of entry, how determined.

How a surveyor may locate his own warrants.

When and
how surveys
are to be
made.

Chain carriers
to be sworn.

Surveys how
to be marked
and bounded.

Surveyor may
detain plat for
his fees.

Plats to be en-
tered in a
book.

Lists of sur-
veys to be re-
turned.

such location with the clerk of the county, who shall return the same to his next court, to be there recorded; and the said surveyor shall proceed to have the survey made as soon as may be, or within six months at farthest, by some one of his deputies, or if he hath no deputy, then by any surveyor or deputy surveyor of an adjacent county, and in case of failure his entry shall be void, and the land liable to the entry of any other person. Where the chief surveyor doth not mean to survey himself he shall immediately after the entry made, direct a deputy surveyor to perform the duty, who shall proceed as is before directed in the case of the chief surveyor. The persons employed to carry the chain on any survey shall be sworn by the surveyor, whether principal or deputy, to measure justly and exactly to the best of their abilities, and to deliver a true account thereof to such surveyor, and shall be paid for their trouble by the party for whom the survey is made. The surveyor, at the time of making the survey, shall not leave any open line, but shall see the same bounded plainly by marked trees, except where a water course or ancient marked line shall be the boundary, and shall make the breadth of each survey at least one third of its length in every part, unless where such breadth shall be restrained on both sides by mountains unfit for cultivation, by water courses, or the bounds of lands before appropriated. He shall, as soon as it can conveniently be done, and within three months at farthest after making the survey, deliver to his employer or his order, a fair and true plat and certificate of such survey, the quantity contained, the hundred, (where hundreds are established in the county wherein it lies) the courses and descriptions of the several boundaries, natural and artificial, ancient and new, expressing the proper names of such natural boundaries where they have any, and the name of every person whose former lines made a boundary; and also the nature of the warrant and rights on which such survey was made, and shall at the same time redeliver the said warrant to the party. The said surveyor may nevertheless detain the said certificates and warrants until the payment of his fees. The said plats and certificates shall be examined and tried by the said principal surveyor whether truly made and legally proportioned as to length and breadth, and shall be entered within three months at farthest, after the survey is made, in a book well bound, to be provided by the court of his county, at the county charge; and he shall, in the month of July every year, return to the President and professors of William and Mary College, and also to the clerk's office of his county court, a true list of all surveys made by him or his deputies in the preceding twelve months, with the names of the persons for whom they were respectively made, and the quantities contained in each, there to be recorded by such clerk; and no person shall hereafter

hold the offices of clerk of a county court and surveyor of a county, nor shall a deputy in either office act as deputy or chief in the other. Any surveyor, whether principal or deputy, failing in any of the duties aforesaid, shall be liable to be indicted in the general court and punished by amercement or deprivation of his office, and incapacity to take it again, at the discretion of a jury; and shall moreover be liable to any party injured for all damages he may sustain by such failure. Every county court shall once in every year, and oftener if they see cause, appoint two or more capable persons to examine the books of entries and surveys in possession of their chief surveyor, and to report in what condition and order the same are kept; and on his death or removal shall have power to take the same into their possession, and deliver them to the succeeding chief surveyor.

How surveyors may be punished for negligence.

SEC. 2. And for preventing hasty and surreptitious grants, and avoiding controversies and expensive law suits: *Be it enacted*, That no surveyor shall, at any time within twelve months after the survey made, issue or deliver any certificate, copy, or plat of land by him surveyed, except only to the person or persons for whom the same was surveyed, or to his, her or their order, unless a caveat shall have been entered against a grant to the person claiming under such survey, to be proved by an authentic certificate of such caveat from the clerk of the general court produced to the surveyor; and if any surveyor shall presume to issue any certificate, copy, or plat as aforesaid, to any other than the person or persons entitled thereto, every surveyor so offending shall forfeit and pay to the party injured, his or her legal representatives or assigns, thirty pounds for every hundred acres of land contained in the survey whereof a certificate, copy, or plat shall be so issued, or shall be liable to the action of the party injured at the common law for his or her damages, at the election of the party.

Plats not to be delivered to any but the owner.

SEC. 3. And for declaring what fees a surveyor shall be entitled to: *Be it enacted*, That every surveyor shall be entitled to receive the following fees, for the services herein after mentioned, to be paid by the person employing him, and no other fees whatsoever, that is to say: For every survey by him plainly bounded as the law directs, and for a plat of such survey, after the delivery of such plat, where the survey shall not exceed four hundred acres of land, two hundred and fifty pounds of tobacco; for every hundred acres contained in one survey above four hundred, twelve pounds of tobacco; for surveying a lot in a town, twenty pounds of tobacco; and where the surveyor shall be stopped or hindered from finishing a survey by him begun, to be paid by the party who required the survey to be made, one hundred and twenty-five pounds of tobacco; for running a dividing line, one hundred pounds of tobacco; for surveying an acre of

Surveyor's fees in tobacco.

land for a mill, fifty pounds of tobacco; for every survey of land formerly patented, and which shall be required to be surveyed, and for a plat thereof delivered as aforesaid, the same fee as for land not before surveyed; and where a survey shall be made of any lands which are to be added to other lands, in an inclusive patent, the surveyor shall not be paid a second fee for the land first surveyed, but shall only receive what the survey of the additional land shall amount to; and where any surveys have been actually made of several parcels of land adjoining and several plats delivered, if the party shall desire one inclusive plat thereof, the surveyor shall make out such plat for fifty pounds of tobacco; for running a dividing line between any county or parish, to be paid by such respective counties or parishes in proportion to the number of tythables, if ten miles or under, five hundred pounds of tobacco; and for every mile above ten, fifteen pounds of tobacco; for receiving a warrant of survey and giving a receipt therefor, eight pounds of tobacco; for recording a certificate from the commissioners of any district of a claim to land allowed by them, to be paid by the claimant, eight pounds of tobacco; for making an entry for land or for a copy thereof, eight pounds of tobacco; for a copy of a plat of land or of a certificate of survey, twelve pounds of tobacco.

Fees may be discharged in tobacco notes or specie.

SEC. 4. That all persons who are now chargeable with any surveyor's fees, for services under the act of Assembly, entitled "An act for regulating the fees of the register of the land office, and for other purposes," or who shall hereafter become chargeable with any tobacco for any of the services mentioned in this act, shall, at their election, discharge the same either in transfer tobacco notes or in specie at the rate of twelve shillings and sixpence for every hundred pounds of gross tobacco.

Tables of fees to be set up.

SEC. 5. That the surveyor of every county shall hereafter cause to be set up in some public place in his office, and there constantly kept, a fair table of his fees herein before mentioned, on pain of forfeiting one hundred pounds; which penalty shall be to the person or persons who shall inform or sue for the same. And if any surveyor who now is or shall hereafter become entitled to fees under this or the said recited act, shall ask or demand of any person whatsoever more than twelve shillings and sixpence per hundred for such tobacco fees, or shall ask or demand larger fees than are allowed by this act, every person so offending shall forfeit and pay ten times the amount of the fees so charged, to the party or parties injured.

Penalty for illegal fees.

Penalties how recovered.

SEC. 7. That all the several penalties and forfeitures by this act laid, given, or inflicted, shall and may be recovered with costs, by action of debt or information, in any court of record within this commonwealth wherein such penalty shall

be cognizable; and that all and every other act and acts, ^{Acts repealed.} clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.*



CESSION FROM VIRGINIA.

[In Congress, March 1, 1784, 1st v. L. U. S. p. 472.]

Whereas the General Assembly of Virginia, at their ses- ^{Act of Virgin-} sion, commencing on the 20th day of October, 1783, passed ^{ia recited.} an act to authorise their delegates in Congress, to convey to the United States in Congress assembled, all the right of that commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

To all who shall see these presents, we, Thomas Jeffer- ^{Delegates au-} son, Samuel Hardy, Arthur Lee, and James Monroe, the ^{thorized to} underwritten delegates for the commonwealth of Virginia, ^{convey to the} in the Congress of the United States of America, send greet- ^{U. States} ing: ^{lands N. W.} ^{of the river} ^{Ohio.}

Whereas the General Assembly of the commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act, entitled "An act to authorise the delegates of this state in Congress, to convey to the United States in Congress assembled, all the right of this commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the union: and whereas this commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said states, all right, title, and claim, which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled have, by their act of

* The residue of the 1st section of this act, directs the mode of appointing surveyors and deputies, and declares that the "deputies shall be entitled to one half the fees." The 6th section declares that every surveyor shall be resident of the county. The 8th section gives persons the right of discharging fees due public officers in tobacco or specie, agreeably to the provisions in the fourth section.

the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this state, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence, that Congress will, in justice to this state, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the union: *Be it enacted by the General Assembly*, That it shall and may be lawful for the delegates of this state to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorised and empowered, for and on behalf of this state, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the states so formed shall be distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom, and independence, as the other states.

Expenses by
Virginia to be
reimbursed.

That the necessary and reasonable expenses incurred by this state, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorised and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this state, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have

Certain titles
confirmed.

their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this state, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskias and St. Vincents were reduced; and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever: *Provided*, That the trust hereby reposed in the delegates of this state, shall not be executed unless three of them at least are present in Congress.

Grant to gen.
G. R. Clarke.

Reservation
between the
Scioto and L.
Miami.

Lands ceded
to be a com-
mon fund.

And whereas the said General Assembly, by their resolution of June sixth, one thousand seven hundred and eighty three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, delegates to represent the said commonwealth in Congress for one year from the first Monday in November then next following, which resolution remains in full force: Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia, before recited; and in the name, and for and on behalf of the said commonwealth, do, by these

Conveyance.

Conveyance. presents, convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter,* situate, lying and being, to the north-

**Extract from the first Charter of Virginia, April 10, 1606, 4th James I.*

And do therefore, for us, our heirs, and successors, grant and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward Maria Wingfield, adventurers of and for our city of London, and all such others, as are, or shall be, joined unto them of that colony, shall be called the first colony; and they shall and may begin their said first plantation and habitation, at any place upon the said coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty degrees of the said latitude; and that they shall have all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the said first seat of their plantation and habitation by the space of fifty miles of English statute measure, all along the said coast of Virginia and America, towards the west and southwest, as the coast lyeth, with all the islands within one hundred miles directly over against the same sea coast; and also all the lands, soil, grounds, havens, ports, rivers, mines, minerals, woods, waters, marshes, fishings, commodities, and hereditaments, whatsoever, from the said place of their first plantation and habitation for the space of fifty like English miles, all alongst the said coasts of Virginia and America, towards the east and northeast, or towards the north, as the coast lyeth, together with all the islands within one hundred miles, directly over against the said sea coast.

Extract from the second Charter of Virginia, May 23, 1609, 7th James I.

And we do also, of our special grace, certain knowledge, and mere motion, give, grant, and confirm, unto the said treasurer and company, and their successors, under the reservations, limitations, and declarations, hereafter expressed, all those lands, countries, and territories, situate, lying, and being, in that part of America called Virginia, from the Point of land, called Cape or Point Comfort, all along the sea coast, to the northward two hundred miles, and from the said Point of Cape Comfort, all along the sea coast, to the southward two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up into the land, throughout from sea to sea, west, and northwest; and also all the islands, lying within one hundred miles, along the coast of both seas of the precinct aforesaid.

Extract from the third Charter of Virginia, March 12, 1611, 9th James I.

We therefore, tendering the good and happy success of the said plantation, both in regard of the general weal of human society, as in respect of the good of our own estate and kingdoms, and being willing to give furtherance unto all good means, that may advance the benefit of the said company, and which may secure the safety of our loving subjects, planted in our said colony under the favor and protection of God Almighty, and of our royal power and authority, have therefore, of our especial grace, certain knowledge, and mere motion, given, granted, and confirmed, and for us, our heirs and successors, we do, by these presents, give, grant, and confirm, to the said treasurer and company of adventurers and planters of the city of London for the first colony in Virginia, and to their heirs and successors, forever, all and singular those islands whatsoever, situate and being in any part of the ocean seas bordering upon the coast of our said first colony in Virginia, and being within three hundred leagues of any the parts heretofore granted to the said treasurer and company, in our said former letters patent, as aforesaid, and being within or between the one and fortieth and thirtieth degrees of northerly latitude.

STITH'S HIST. VA. APPENDIX.

west of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the independence of the United States the eighth.

Resolved, That the United States in Congress assembled Resolution.
are ready to receive this deed, whenever the delegates of the state of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

The delegates of the commonwealth of Virginia having executed the deed,

Resolved, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.



[Resolutions, in Congress, July 17, 1783, 1 v. L. U. S. p. 572.]

Whereas Congress, on the 13th September, 1783, fixed Preamble.
the terms and conditions upon which they would accept a cession of claims to the western territory from the state of Virginia: and whereas the said state, on the 20th of October, in the same year, agreed to the same terms and conditions, and by her act authorized her delegates in Congress to convey, transfer, and assign, to the United States, the right, title, and claim, of the said state to the lands within her charter, and northwest of the river Ohio, on the terms and conditions proposed by Congress; and the said delegates made a conveyance accordingly on the same conditions; among which conditions is the following, to wit: "That in case the good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law to the Virginia troops upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the river Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia:" and whereas, it has not, in any manner, been alleged or stated to Congress, that there is any such deficiency of lands on the southeast side of the Ohio;

Resolved, That the state of Virginia be informed, that Surveys, before deficiency ascertained, invalid.
Congress consider all locations and surveys which shall be made, by or on account of the said troops, on the said lands between the Scioto and Little Miami, before the said defi-

ciency, if any, on the southeast side of the Ohio, shall be ascertained and stated to Congress, invalid.

Executive of Va. requested to inform Congress of deficiency.

Resolved, That the executive of the state of Virginia be requested to inform Congress, whether there has been any deficiency of good lands reserved by the laws of that state on the southeast side of the Ohio, for the Virginia troops on continental establishment; and if there has been any deficiency, what is the amount; and also, what checks have been provided by the said state, to prevent the said troops taking up more lands than are actually due to them, in order that measures may immediately be taken for laying off, for the benefit of such troops, a sufficient quantity of good land between the river Scioto and Little Miami, and that Congress may be prepared to dispose of the remaining land between those rivers for the general benefit of the union.

[*Act of August 10, 1790, 2 v. L. U. S. p. 179.*]

Act of July 17, 1788, repealed.

SEC. 1. That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of, the Virginia troops, on continental establishment, upon lands between the Little Miami and Scioto rivers, northwest of the Ohio, be, and the same is hereby, repealed.

Lands upon the southeasterly side of the river Ohio insufficient.

And whereas the agents for such of the troops of the state of Virginia, who served on the continental establishment in the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency of good land on the southeasterly side of the river Ohio, according to the act of cession from the said state to the United States, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: to the intent, therefore, that the difference between what has already been located for the said troops, on the southeasterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the northwesterly side of the said river, and between the Scioto and Little Miami rivers, as stipulated by the said state:

Other lands assigned.

Names of those entitled to lands to be returned by sec'ry of war.

SEC. 2. That the secretary of the department of war shall make return, to the executive of the state of Virginia, of the names of such of the officers, non-commissioned officers, and privates, of the line of the said state, who served in the army of the United States, on the continental establishment, during the late war, and who, in conformity to the laws of the said state, are entitled to bounty lands; and shall, also, in such return, state the aggregate amount in acres due to the said line by the laws aforesaid.

SEC. 3. That it shall and may be lawful for the said agents to locate, to and for the use of the said troops, between the rivers Scioto and Little Miami, such a number of acres of good land, as shall, together with the number already located between the said two rivers, and the number already located on the southeasterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid, by the secretary of the department of war.

Locations to be made between Scioto & L. Miami.

SEC. 4. That the said agents, as soon as may be after the locations, surveys, and allotments, are made and completed, shall enter, in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer, or private, originally entitled to each; which entries being certified by the said agents, or the majority of them, to be true entries, the book containing the same shall be filed in the office of the secretary of state.

Bounds of each location and survey to be entered, &c.

SEC. 5. That it shall be lawful for the President of the United States to cause letters patent to be made out, in such words and form as he shall devise and direct, granting to such person, so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her, or their heirs or assigns, the lands designated in the said entries: *Provided always*, That, before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have endorsed thereon, that the grantee therein named was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the secretary of state, and finds the same truly inserted; and every such letters patent shall be countersigned by the secretary of state, and a minute of the date thereof, and of the name of the grantee, shall be entered of record in his office, in a book to be specially provided for the purpose.

President to issue patents.

Proviso.

SEC. 6. That it shall be the duty of the secretary of state, as soon as may be after the letters patent shall be so completed and entered of record, to transmit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or, in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

Patents to be sent to executive of Va.

SEC. 7. That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

No fees to be charged for patents.

[Act of June 9, 1794, 2 v. L. U. S. p. 440.]

Officers, &c.
entitled to pa-
tents on pro-
ducing war-
rants and sur-
veys.

Proviso.

Secretary of
war to en-
dorse patents.

SEC. 1. That all and every officer and soldier of the Virginia line on continental establishment, his or their heirs or assigns, entitled to bounty lands on the northwest side of the river Ohio, between the Scioto and Little Miami rivers, by the laws of the state of Virginia, and included in the terms of cession of the said state to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate under the seal of the office where the said warrants are legally kept, that the same, or a part thereof, remains unsatisfied, and on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the secretary of the department of war, such officer and soldier, his or their heirs, or assigns, shall be entitled to, and receive a patent for, the same from the President of the United States, any thing in any former law to the contrary notwithstanding: *Provided*, That no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant, and that before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have endorsed thereon, that the grantee therein named, or the person under whom he claims, was originally entitled to such bounty lands, and every such letters patent shall be countersigned by the secretary of state, and a minute of the date thereof, and the name of the grantee, shall be entered of record in his office, in a book to be specially provided for that purpose.



[Act of May 13, 1800, 3 v. L. U. S. p. 393.]

Patents may
issue on war-
rants issued in
pursuance of
resolutions.

Proviso.

Proviso.

SEC. 1. That it shall be lawful, and the proper officer is hereby authorized, to issue patents on surveys which have been, or may be, made within the territory reserved by the state of Virginia, northwest of the river Ohio, and being part of her cession to Congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favor of persons who had served in the Virginia line on the continental establishment: *Provided*, That the whole quantity of land for which patents shall issue, by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the secretary of war, on or before the first day of December, one thousand eight hundred and three: *And provided also*, That this act shall not give any force or validity to the entries, locations, or surveys, heretofore made, in pursuance of these.

warrants, so far as such entries, locations, or surveys, interfere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made, in pursuance of warrants granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishment.

SEC. 2. That in every case of interfering claims, under military warrants, to lands within the territory so reserved by the state of Virginia, when either party to such claims shall lose, or be evicted from, the land, every such party shall have a right, and hereby is authorized, to withdraw his, her, or their warrant, respectively, to the amount of such loss or eviction, and to enter, survey, and patent the same, on any vacant land within the bounds aforesaid, and in the same manner as other warrants may be entered, surveyed, and patented.

In case of loss or eviction, warrants may be withdrawn and re-entered.

[Act of March 3, 1803, 3 v. L. U. S. p. 556.]

SEC. 8. That where any warrants, granted by the state of Virginia for military services, have been surveyed on the northwest side of the river Ohio, between the Scioto and the Little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same was recorded, and giving satisfactory proof to the secretary of war, by his affidavit, or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

Patents may be obtained on lost warrants and surveys.

[Act of March 23, 1804, 3 v. L. U. S. p. 592.]

SEC. 1. That the line run under the direction of the surveyor general of the United States, from the source of the Little Miami towards the source of the Scioto, and which binds, on the east, the surveys of the lands of the United States, shall, together with its course continued to the Scioto river, be considered and held as the westerly boundary line, north of the source of the Little Miami, of the territory reserved by the state of Virginia, between the Little Miami and Scioto rivers, for the use of the officers and soldiers of the continental line of that state: *Provided*, That the state of Virginia shall, within two years after the passing of this act, recognise such line as the boundary of the said territory.

Line run under the direction of surveyor general established as the westerly boundary of the Va. M. Tract.

Provide.

[Act of June 9, 1794, 2 v. L. U. S. p. 440.]

Officers, &c.
entitled to pa-
tents on pro-
ducing war-
rants and sur-
veys.

Proviso.

Secretary of
war to en-
dorse patents.

SEC. 1. That all and every officer and soldier of the Virginia line on continental establishment, his or their heirs or assigns, entitled to bounty lands on the northwest side of the river Ohio, between the Scioto and Little Miami rivers, by the laws of the state of Virginia, and included in the terms of cession of the said state to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate under the seal of the office where the said warrants are legally kept, that the same, or a part thereof, remains unsatisfied, and on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the secretary of the department of war, such officer and soldier, his or their heirs, or assigns, shall be entitled to, and receive a patent for, the same from the President of the United States, any thing in any former law to the contrary notwithstanding: *Provided*, That no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant, and that before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have endorsed thereon, that the grantee therein named, or the person under whom he claims, was originally entitled to such bounty lands, and every such letters patent shall be countersigned by the secretary of state, and a minute of the date thereof, and the name of the grantee, shall be entered of record in his office, in a book to be specially provided for that purpose.



[Act of May 13, 1800, 3 v. L. U. S. p. 393.]

Patents may
issue on war-
rants issued in
pursuance of
resolutions.

Proviso.

Proviso.

SEC. 1. That it shall be lawful, and the proper officer is hereby authorized, to issue patents on surveys which have been, or may be, made within the territory reserved by the state of Virginia, northwest of the river Ohio, and being part of her cession to Congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favor of persons who had served in the Virginia line on the continental establishment: *Provided*, That the whole quantity of land for which patents shall issue, by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the secretary of war, on or before the first day of December, one thousand eight hundred and three: *And provided also*, That this act shall not give any force or validity to the entries, locations, or surveys, heretofore made, in pursuance of these.

warrants, so far as such entries, locations, or surveys, interfere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made, in pursuance of warrants granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishment.

Sec. 2. That in every case of interfering claims, under military warrants, to lands within the territory so reserved by the state of Virginia, when either party to such claims shall lose, or be evicted from, the land, every such party shall have a right, and hereby is authorized, to withdraw his, her, or their warrant, respectively, to the amount of such loss or eviction; and to enter, survey, and patent the same, on any vacant land within the bounds aforesaid, and in the same manner as other warrants may be entered, surveyed, and patented.

In case of loss or eviction, warrants may be withdrawn and re-entered.

[Act of March 3, 1803, 3 v. L. U. S. p. 556.]

Sec. 8. That where any warrants, granted by the state of Virginia for military services, have been surveyed on the northwest side of the river Ohio, between the Scioto and the Little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same was recorded, and giving satisfactory proof to the secretary of war, by his affidavit, or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

Patents may be obtained on lost warrants and surveys.

[Act of March 23, 1804, 3 v. L. U. S. p. 592.]

Sec. 1. That the line run under the direction of the surveyor general of the United States, from the source of the Little Miami towards the source of the Scioto, and which binds, on the east, the surveys of the lands of the United States, shall, together with its course continued to the Scioto river, be considered and held as the westerly boundary line, north of the source of the Little Miami, of the territory reserved by the state of Virginia, between the Little Miami and Scioto rivers, for the use of the officers and soldiers of the continental line of that state: *Provided*, That the state of Virginia shall, within two years after the passing of this act, recognise such line as the boundary of the said territory.

Line run under the direction of surveyor general established as the westerly boundary of the Va. M. Tract.

Provide.

tion warrant, unless there is produced to the secretary of war satisfactory evidence that such warrant was granted for services which, by the laws of Virginia, passed prior to the cession of the Northwestern Territory, would have entitled such officer or soldier, his heirs, or assigns, to bounty lands, and also a certificate of the register of the land office of Virginia, that no other warrant has issued from the said land office for the same services.

Patents not to issue for greater quantity than the officer or soldier would be entitled to by laws of Virginia.

Surplus to be certified, and survey may be withdrawn.

SEC. 2. That no patent shall be issued, by virtue of the preceding section, for a greater quantity of land than the rank or term of service of the officer or soldier to whom, or to whose legal representatives, such resolution warrant has been granted, would have entitled him to under the afore-said laws of Virginia; and, whenever it appears to the secretary of war, that the survey or surveys, made by virtue of any resolution warrant, is for a greater quantity of land than the officer or soldier is entitled to for his services, the secretary of war shall certify, on the said survey or surveys, the amount of such surplus quantity, and the officer or soldier, his heirs, or assigns, shall have leave to withdraw his survey from the office of the secretary of war, and resurvey his location, excluding such surplus quantity, in one body, from any part of his resurvey, and a patent shall issue upon such resurvey as in other cases.



[*Act of March 16, 1810, 4 v. L. U. S. p. 281.*]

Further time given to make locations and return surveys.

Proviso.

SEC. 1. That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further term of five years, from and after the passage of this act, to obtain warrants and complete their locations, and a further term of seven years, from and after the passage of this act, as aforesaid, to return their surveys and warrants, or certified copies of warrants, to the office of the secretary of the war department, any thing in any former act to the contrary notwithstanding: *Provided*, That no locations as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

[*Act of June 26, 1812, 4 v. L. U. S. p. 455.*]

SEC. 1. That the President of the United States shall be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint three commissioners on the part of the United States, to act with such commissioners as may be appointed by the state of Virginia: and the commissioners thus appointed shall have full power and authority to ascertain, survey, and mark, according to the true intent and meaning of the condition touching the military reservation, in the deed of cession from the state of Virginia to the United States, of the land northwest of the river Ohio, the westwardly boundary line of said reservation, between the little Miami and Scioto rivers.

Commissioners to be appointed to survey, &c. the westerly boundary line of the V. M. Tract.

SEC. 2. That the commissioners appointed by the United States shall meet at Xenia in the state of Ohio, on the fifth day of October next, for the purpose of ascertaining the said line, unless otherwise directed by the President of the United States: and in case they shall not be met by commissioners appointed on the part of the state of Virginia, within six days after the said fifth day of October next, the commissioners appointed on the part of the United States shall proceed to ascertain, survey, and distinctly mark, the said boundary line, according to the true intent and meaning of the said act of cession; in measuring the said line, whether accompanied by the commissioners on the part of Virginia or not, or in case of disagreement, they shall note the intersections, if any, of said line, with any surveys heretofore authorized by the United States, all water courses, the quality of the land over which the line passes, and any other matter which, in their opinion, requires notice. The said commissioners shall make a plat of said line, its intersections, with notes and references, which shall be signed and returned by the said commissioners to the commissioner of the general land office, accompanied by a written report, on or before the fifth day of January next, unless the time of meeting shall have been prolonged by the President of the United States, who shall lay copies of the same before both houses of Congress at their next session.

Commissioners to meet at Xenia.

Intersections with surveys to be noted.

SEC. 3. That the commissioners aforesaid shall have power to engage a skilful surveyor, who shall employ chain carriers and a marker, and shall be allowed four dollars for every mile actually surveyed and marked under direction of the said commissioners, in performance of the duties assigned them: and the commissioners appointed on the part of the United States shall, each, receive five dollars for each day he shall be necessarily employed in performance of the duties required of them by this act; which compensation to the surveyor and commissioners shall be paid out of any monies in the treasury, not otherwise appropriated by law.

Commissioners may employ a surveyor.

What shall be held the boundary line until the commissioners establish one.

SEC. 4. That until the westwardly boundary line of the said reservation shall be finally established, by the agreement and consent of the United States and the state of Virginia, the boundary line designated by an act of Congress passed on the twenty-third day of March, one thousand eight hundred and four, shall be considered and held as the proper boundary line of the aforesaid reservation.

This act to be certified to Virginia.

SEC. 5. That it shall be the duty of the secretary of state to transmit an authenticated copy of this act to the governor of Virginia within twenty days after its passage.*

[Act of November 3, 1814, 4 v. L. U. S. p. 714.]

Further time given to officers to make locations and return surveys.

Proviso.

SEC. 1. That the officers and soldiers of the Virginia line, on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further term of three years, from and after the passage of this act, to obtain warrants and complete their locations, and a further term of five years, from and after the passage of this act as aforesaid, to return their surveys and warrants, or certified copies of warrants, to the general land office, any thing in any former act to the contrary notwithstanding: *Provided*, That no locations, as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this act, shall be considered as null and void.

* The state of Virginia appointed commissioners, who met those of the United States, and a line was run drawn from the source of the Little Miami to the source of the Scioto. This is called Roberts' line. The commissioners appointed by Virginia refused to accede to this line, claiming a still larger tract of land, by running from the source of the Scioto a straight line to the mouth of the L. Miami. The line referred to in the act of March 23, 1804, *ante* p. 133, is designated upon our maps by Ludlow's line. This line was run under the authority of the Surveyor General, by virtue of the act of May 10, 1800. The lands west were surveyed into sections and parts of sections. The territory between these lines, embracing a large tract of fertile land, was claimed both by purchase and location, and it became a matter of great importance to the parties, to have established, by a judicial decision, the western boundary line of the reservation of Virginia. For this purpose a case was agreed and taken to the Supreme Court of the U. States, by error. The cause was decided in 1824, and Roberts' line virtually established. See—Doddridge, vs. Thompson & al. 9 Wheaton's Rep. 469.

The court, however, in delivering their opinion, did not advert to the act of April 11, 1818, (1 sess. 15 Con. p. 37) which recognises Roberts' line as the western boundary of the Virginia Tract "from the Indian boundary line to the source of the Scioto river."

[*Act of February 22, 1815, 4 v. L. U. S. p. 805.*]

SEC. 1. That the officers and soldiers of the Virginia line on continental establishment, or their legal representatives, to whom land warrants have issued by virtue of any resolution of the legislature of Virginia, as a bounty for services, which, by the laws of Virginia passed prior to the cession of the Northwestern Territory to the United States, entitled such officers or soldiers to bounty lands, and whose location of such warrants shall have been made prior to the twenty-third day of March, one thousand eight hundred and eleven, shall be allowed the further time of two years from the passing of this act to complete their surveys and obtain their patents for the land located as aforesaid: *Provided*, That surveys shall be made, and patents granted, on the aforesaid locations, under the same regulations, restrictions, and provisions, in every respect, as were prescribed for the making of surveys and granting of patents by the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," passed on the third day of March, one thousand eight hundred and seven.

Time extended for locating warrants under resolutions of Virginia.

[*Act of April 11, 1818, 1 sess. 15 Cong. p. 37.*]

SEC. 1. That the officers and soldiers of the Virginia line on continental establishment, their heirs, and assigns, entitled to bounty lands, within the Virginia Military Tract, between the Little Miami and the Scioto rivers, shall be allowed a further term of two years, from the ratification of any treaty extinguishing the Indian title to lands within the said boundaries not heretofore extinguished, to obtain warrants and complete their locations; and a further term of three years, from the ratification of any treaty extinguishing the Indian title to lands within the said boundaries not heretofore extinguished, as aforesaid, to return their surveys and warrants, or certified copies of warrants, to the general land office; any thing in any former act to the contrary notwithstanding.

Further time allowed to obtain warrants and return surveys.

SEC. 2. That the provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," passed on the third day of March, one thousand eight hundred and seven, shall be revived and in force, with all its restrictions, except that the respective times allowed for making locations and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act for the location and return of surveys on other warrants, and that the surveys shall be returned to the general land office: *Provided*, That no locations, as aforesaid, in virtue of this, or the preceding,

Act respecting resolution warrants revived.

Provide.

Proviso.

section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this act, shall be considered null and void: *Provided also*, That no locations or surveys shall be made within that part of the said Military Tract to which the Indian title remained heretofore unextinguished, until after six months shall have elapsed from the date of a proclamation of the President of the United States, declaring a treaty or treaties to have been concluded and ratified, providing for the extinguishment of the Indian title to such lands; nor shall any patent be granted for any location, survey, or entry, that has been, or shall be, made prior to the expiration of six months from and after the ratification of such treaty.

Ludlow's line considered the true one to the Indian boundary.

SEC. 3. That from the source of the Little Miami river to the Indian boundary line established by the treaty of Greenville, in one thousand seven hundred and ninety-five, the line designated as the westerly boundary line of the Virginia Tract, by an act of Congress, passed on the twenty-third day of March, one thousand eight hundred and four, entitled "An act to ascertain the boundary of the lands reserved by the state of Virginia northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," shall be considered and held to be such until otherwise directed by law: and from the aforesaid Indian boundary line to the source of the Scioto river, the line run by Charles Roberts, in one thousand eight hundred and twelve, in pursuance of instructions from the commissioners appointed on the part of the United States, to establish the western boundary of the said Military Tract, shall be considered & held to be the westerly boundary line thereof; and that no patent shall be granted on any location and survey that has or may be made west of the aforesaid respective lines.

Roberts's established from Indian boundary to the source of the Scioto.

[Act of February 9, 1821, 2 sess. 16 Cong. p. 10.]

Further time allowed to obtain warrants and return surveys.

SEC. 1. That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract of country reserved by the state of Virginia, between the Little Miami and Scioto rivers, shall be allowed a further time of two years, from the fourth day of January, one thousand eight hundred and twenty-one, to obtain warrants and complete their locations, and the further time of four years, from the fourth day of January, one thousand eight hundred and twenty-two, to return their surveys and warrants, or certified copies of warrants, to the general land office, to obtain patents.

SEC. 2. That the provisions of the act, entitled "An act ^{Act of March 3, 1807, re-} authorizing patents to issue for lands located and surveyed ^{vived.} by virtue of certain Virginia resolution warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and return of surveys on other warrants, and that the surveys shall be returned to the general land office: *Provided*, That ^{Proviso.} no locations as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent which may, nevertheless, be obtained for land located contrary to the provisions of this act, shall be considered null and void.

[*Act of March 1, 1823, 2 sess. 17 Cong. p. 73.*]

SEC. 1. That the officers and soldiers of the Virginia line, ^{Time given to} on the continental establishment, their heirs or assigns, enti- ^{complete lo-} tled to bounty lands within the country reserved by the state ^{cations and} of Virginia, between the Little Miami and Scioto rivers, shall ^{return sur-} be allowed a further time of two years from the fourth day of January, one thousand eight hundred and twenty-three, to obtain warrants, and to complete their locations; and the further time of four years, from the fourth day of January, one thousand eight hundred and twenty-three, to return their surveys and warrants, or certified copies of warrants, to the general land office, to obtain patents.

SEC. 2. That the provisions of the act, entitled "An act ^{Act of March 3d, 1807, re-} authorizing patents to issue for lands located and surveyed by ^{vived.} virtue of certain Virginia resolution warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived, and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and return of surveys on other warrants; and that the surveys shall be returned to the general land office: *Provided*, That ^{Proviso.} no locations, as aforesaid, in virtue of this or the preceding section of this act, shall be made on tracts of lands for which patents had previously been issued, or which had been previously surveyed; and any patent, which may nevertheless be obtained for land located contrary to the provisions of this act, shall be considered null and void.

SEC. 3. That no holder of any warrant which has been, ^{Land war-} or may be, located, shall be permitted to withdraw or remove ^{rants not to be}

withdrawn or removed. the same, and locate it on any other land, except in cases of eviction, in consequence of a legal judgment first obtained, or unless it be found to interfere with a prior location and survey; nor shall any lands heretofore sold by the United States, within the boundaries of said reservation, be subject to location by the holder of any such unlocated warrant.

Lands sold not subject to location.



[*Act of May 26, 1824, 1 sess. 18 Cong. p. 121.*]

Number of acres to be ascertained between Ludlow's and Robert's line.

SEC. 1. That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and, by appraisement, or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Robert's lines, in the state of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States, in the case of Dodridge's lessee, against Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States, and that he report the facts at the commencement of the next session of Congress.

French Grant.

[*Act of March 3, 1795, 2 v. L. U. S. p. 503.*]

SEC. 1. That the President of the United States shall be, ^{24,000 acres of} and he is hereby, authorized and empowered to cause to be ^{land to be sur-} surveyed, in the territory northwest of the Ohio, a tract of ^{veyed.} land situate on the northerly bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy; thence down the said river Ohio, along the courses thereof, eight miles when reduced to a straight line; thence, at right angles, from each extremity of the said line, so as to include the quantity of twenty-four thousand acres of land, to be disposed of as herein after directed.

SEC. 2. That the President be authorized to cause to be ^{French inhab-} ascertained the number of French inhabitants and actual set- ^{itants of Gal-} tlers of the town or settlement of Galliopolis, being males ^{liopolis to be} above eighteen years of age, or widows who are or shall be ^{ascertained.} within the said town or settlement of Galliopolis on the first day of November next.

SEC. 3. That the President of the United States shall be, ^{Patent to issue} and he is hereby, authorized and empowered to issue letters ^{to J. G. Ger-} patent, in the name, and under the seal, of the United States, ^{vais for 4,000} thereby granting to John Gabriel Gervais, and his heirs, four ^{acres.} thousand acres of land, part of the said twenty-four thousand acres, to be located on the northwest bank of the river Ohio, opposite to the mouth of the Little Sandy, with condition in the said letters patent, that if the said John Gabriel Gervais, or his heirs, shall not, personally, within three years from the date of the same patent, settle on the same tract of land, and there continue settled for three years next thereafter, the same letters patent shall be void and determine; and the title thereof revert in the United States, as if this law had not passed.

SEC. 4. That the President of the United States shall be, ^{20,000 acres} and he is hereby, authorized and empowered to cause to be ^{to be laid off} surveyed, laid off, and divided, the remaining twenty thousand ^{into lots.} acres of land, residue of the twenty-four thousand acres, into as many lots or parts as the actual settlers of Galliopolis shall, on the ascertainment aforesaid, amount to, and the same to be designated, marked, and numbered, on a plat thereof, to be returned to the secretary of the said territory, together with a certificate of the courses of the said lots, the said lots,

Patents to issue to actual settlers.

Conditions.

Nothing in this act to impair contracts.

or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered to issue letters patent, as aforesaid, to the said actual settlers, and their heirs, for the twenty thousand acres, to be held by them in severalty, in lots, to be designated and described by their numbers on the plat aforesaid, with condition, in the same letters patent, that if one or more of the said grantees, his or her heirs or assigns, shall not, within five years from the date of the same letters make, or cause and procure to be made, an actual settlement on the lot or lots assigned to him, her, or them, and the same continue for five years thereafter, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States, in the same manner as if this law had not passed.

SEC. 5. That nothing in this act shall be taken or considered in any manner to impair or affect the claims of the said settlers, against any person or persons, for or by reason of any contracts heretofore made by them, but that the same contracts shall be and remain in the same state as is if this law had not passed.



[*Act of June 25, 1798, 3 v. L. U. S. p. 68.*]

1200 acres of land to be surveyed.

Boundaries of survey.

Tract to be divided.

SEC. 1. That it shall be the duty of the surveyor general of the Northwestern Territory, to survey one thousand two hundred acres of land, beginning on the bank of the Ohio river, at the lower corner of a tract surveyed pursuant to an act of Congress, entitled "An act to authorise a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned," and running thence down said river, along the courses thereof, six hundred and forty poles when reduced to a straight line; thence extending back from the river and parallel to the lower line of the said grant, so far as to include the quantity aforesaid. And the said surveyor general shall, by lines plainly marked upon trees, divide the said tract into eight equal parts, or lots, having each, as nearly as may be, an equal front on the river, and designated by progressive numbers, marked on the corners thereof. And the surveyor general, when the said lots are laid off and numbered as aforesaid, shall distribute or assign the same by lot, to Stephen Monot, Lewis Anthony Carpentier, Lewis Vimont, Francis Valton, Lewis Philip, A. Fichon, Anthony Maguet, Margaret G. C. Champaigne, wife of Peter A. Laforge, and Maria I. Dalliez, wife of Peter Luc, and to their heirs, being inhabitants of Galliopolis, who were prevented from obtaining their proportion of the land granted

by the act aforesaid. The said surveyor general shall also ^{Plat to be} make out a fair plat of the said tract, and shall designate ^{made and re-} thereon the said lots, marked, each, with the name of the ^{corded.} person to whom the same shall have been assigned by lot, as aforesaid, which plat, with a certificate of the bounds and courses of the said tract and lots, he shall record in his office, and return a copy thereof to the secretary of state, to be filed in his office.

SEC. 2. That the President of the United States be, and ^{Patent to is-} he is hereby authorised and empowered to issue letters pa-^{sue.} tent, in the usual form, thereby granting to the persons above named, and to their heirs, the said tract of land, to be held by them and their heirs, in severalty, in lots designated, numbered, and marked, as aforesaid.

SEC. 3. That nothing in this act shall be taken, or con- ^{Private con-} sidered, in any manner to affect the claims of the persons ^{tracts saved.} herein named against any person or persons, for or by reason of any contracts heretofore made by them, but that the same contracts shall be and remain in the same state as if this act had not passed.



[Act of February 21, 1806, 4 v. L. U. S. p. 4.]

SEC. 1. That so much of the fourth section of an act, en- ^{Part of the} titled "An act to authorize a grant of lands to the French ^{act of March} inhabitants of Galliopolis, and for other ^{3, 1795, re-} purposes therein ^{pealed.} mentioned," as imposes the condition of an actual settlement on the said inhabitants, or any of them, their heirs or assigns, be, and the same is hereby, repealed. And in every case where a patent has issued, in conformity with the said fourth section, to any of the inhabitants aforesaid, their heirs or assigns, the conditions aforesaid, inserted in any such patent, ^{Conditions in} shall be considered null and void; and the fee simple be ^{patents de-} vested, to all intents and purposes, in the person to whom ^{clared null.} such patent has been issued, his or her heirs or assigns.

Donations.*

ARNOLD HENRY DOHRMAN.

[Resolution of October 1, 1787, 1 v. L. U. S. p. 578.]

A township
granted to A.
H. Dohrman.

Resolved unanimously, That one complete and entire township, subject to the reservations as in the other townships agreeably to the ordinance of the twentieth of May, 1785, out of the three last ranges surveyed in the western territory of the United States, be and hereby is granted to the said Arnold Henry Dohrman, free from all charges of survey, and that the said Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the secretary of war shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.

[Act of February 27, 1801, 3 v. L. U. S. p. 423.]

President
may issue a
patent for
13th township
to A. H.
Dohrman.

SEC. 1. That the President of the United States be, and he is hereby, authorized to issue a patent for the thirteenth township, in the seventh range, to Arnold Henry Dohrman, or his legal representatives, agreeably to a resolution of Congress, of the first day of October, in the year one thousand seven hundred and eighty-seven.

* See "Ohio Company's Purchase, U. S. M. Bounties, Lands of the U. Brethren, &c."

By the act of March 3, 1803, the secretary of war was authorized to issue land warrants to Major General La Fayette for eleven thousand five hundred and twenty acres, which, at his option, were to be located in the U. S. M. Tract, or received, acre for acre, for any lands of the U. States, north of the river Ohio, and above the mouth of Kentucky river. By section 14, of the act of March 27, 1804, he had the privilege of locating his warrants on any lands, the property of the U. States, in the Territory of Orleans. By subsequent laws, no location was to contain less than 500 acres, or include any improved lands, salt spring, or lead mine.

ISAAC ZANE.

[*Act of April 3, 1802, 3 v. L. U. S. p. 468.*]

SEC. 1. That the President of the United States be, and he is hereby authorised and empowered to issue letters patent, in the name and under the seal of the United States, thereby granting and conveying to Isaac Zane, his heirs and assigns, in fee simple, three sections of land, of one square mile each, within the Northwestern Territory, of any lands not heretofore granted or reserved, and to which the Indian title has been extinguished; in trust, nevertheless, in respect to two of the said sections, which shall be last mentioned and described in the said letters patent, to, and for the use and benefit of, the children of the said Isaac Zane, who shall be living at the time of his death, and of the heirs of any child or children, deceased, and their heirs, respectively, to hold as tenants in common. President may issue patent to I. Zane for three sections.

SEC. 2. That the said Isaac Zane, or his attorney in fact, shall, and they are hereby authorized and empowered to locate the said three sections in one or more tracts, not to exceed three locations of six hundred and forty acres each: *Provided*, The said land is not granted, appropriated, or reserved, by any act or resolution of the United States, or of Virginia, at the time of location. How the sections may be located.

SEC. 3. That the surveyor general of the United States, or one of his deputies, shall, without delay, reasonable notice thereof being first given, survey and lay off the same as the law directs: *Provided*, The same has not, at such time, been surveyed. Surveyor general to make the survey. Proviso.

EBENEZER ZANE.

[*Act of May 17, 1796, 2 v. L. U. S. p. 533.*]

SEC. 1. That, upon the conditions herein after mentioned, there shall be granted to Ebenezer Zane three tracts of land, not exceeding one mile square each, one on the Muskingum river, one on Hockhocking river, and one other on the north bank of Scioto river, and in such situations as shall best promote the utility of a road to be opened by him on the most eligible route between Wheeling and Limestone, to be approved by the President of the United States, or such person as he shall appoint for that purpose: *Provided*, Such tracts shall not interfere with any existing claim, location, or survey; nor include any salt spring, nor the lands on either side of the river Hockhocking at the falls thereof. Three tracts of land granted to E. Zane.

SEC. 2. That upon the said Zane's procuring, at his own expense, the said tracts to be surveyed, in such way and

Under certain circumstances President may grant patent. manner as the President of the United States shall approve, and returning into the treasury of the United States plats thereof, together with warrants granted by the United States for military land bounties, to the amount of the number of acres contained in the said three tracts; and also, producing satisfactory proof, by the first day of January next, that the aforesaid road is opened, and ferries established upon the rivers aforesaid, for the accommodation of travellers, and giving security, that such ferries shall be maintained, during the pleasure of Congress; the President of the United States shall be, and he hereby is, authorized and empowered to issue letters patent, in the name and under the seal of the United States, thereby granting and conveying to the said Zane, and his heirs, the said tracts of land located and surveyed as aforesaid; which patents shall be countersigned by the secretary of state, and recorded in his office: *Provided always,* That the rates of ferriage, at such ferries, shall, from time to time, be ascertained by any two of the judges of the territory northwest of the river Ohio, or such other authority as shall be appointed for that purpose.

Grants and Privileges to Ohio.

[*Act of May 18, 1796, 2 v. L. U. S. p. 535.*]

SEC. 3. That a salt spring lying upon a creek which empties into the Scioto river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved for the future disposal of the United States: but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three-fourths of a township.

[*Act of April 30, 1802, 3 v. L. U. S. p. 497.*]

SEC. 7. That the following propositions be, and the same are hereby, offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection; which, if accepted by the convention, shall be obligatory upon the United States.

First: That the section number sixteen, in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.*

Second: That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the Military Tract, with the sections of land which include the same, shall be granted to the said state, for the use of the people thereof, the same to be used under such terms, and conditions, and regulations, as the legislature of the said state shall direct: *Provided,* That said legislature shall never sell nor lease the same for a longer period than ten years.

*The consideration for section No. 16, in each township, for schools; for the salt springs; and for the 3 per cent. of the nett proceeds of lands sold in Ohio; was the exemption of each tract of land sold by the United States, for five years, from and after the 30th day of June, 1802, from all taxes.

[*Act of April 16, 1816, 1 sess. 14 Congress p. 54.*]

Legislature
of Ohio autho-
rized to sell
640 acres,
part of the re-
servation of
the Scioto salt
springs.

SEC. 1. That the legislature of the state of Ohio shall be, and they are hereby authorized and empowered to cause to be selected and sold, in such manner, and on such terms and conditions as they may by law direct, any one section not exceeding the quantity of six hundred and forty acres of the tract of land of six miles square, reserved for the benefit of that state, at the Scioto salt springs: *Provided*, That the section so selected shall not include the said salt springs, and that the money arising from the sale of the aforesaid section shall be applied to the erection of a court house, or other public buildings thereon, for the use of the county of Jackson, in said state; and whenever the selection and sale of the said section of land shall have been made, and the same shall be duly certified to the commissioner of the general land office, a patent shall be granted by the President of the United States, for the said section, in trust to such person or persons as the legislature of the state shall have appointed and authorized to sell and execute titles to the purchasers of the land aforesaid.

[*Act of May 15, 1820, 1 sess. 16 Congress, p. 115.*]

Pre-emption
granted, of a
quarter sec-
tion, for seat
of justice at
the minimum
price.

SEC. 1. That there be granted to the state of Ohio, at the minimum price for which the public lands are sold, the right of pre-emption to one quarter section, in or near the centre of each county, included in the purchase recently made of the Indians, by the treaty concluded at St. Mary's, on the twentieth day of September, one thousand eight hundred and eighteen, for the establishment of a seat of justice in the said counties: *Provided*, The purchase be made before the commencement of the public sales: *And provided also*, That the proceeds of the sale of each quarter section, which may be made under the authority of the state of Ohio, shall be appropriated for the purpose of erecting public buildings in said counties, respectively, after deducting therefrom the sums originally paid by the state aforesaid: *And provided further*, That the seat of justice for said counties, respectively, shall be fixed on the lands so selected.

[*Act of December 28, 1824, 2 sess. 18 Congress, p. 4.*]

Three tracts
may be sold by
the state of
Ohio.

SEC. 1. That the legislature of the state of Ohio shall be, and is hereby, authorized and empowered to cause to be sold and conveyed, in such manner, and on such terms and condi-

tions as said legislature shall, by law, direct, the following tracts of land, heretofore granted to said state for the use of the people thereof, to wit: so much of the six mile reservation, including the salt springs, commonly called the Scioto salt springs, as remains unsold; the salt springs near the Muskingum river, and in the Military Tract, with the sections of land which include the same; the proceeds thereof to be applied to such literary purposes as said legislature may hereafter direct, and to no other use, intent, or purpose whatsoever.*

Proceeds, how applied.

ROADS.

[*Act of March 3, 1803, 3 v. L. U. S. p. 542.*]

SEC. 2. That the secretary of the treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public monies of the several land offices shall be settled, pay three per cent. of the net proceeds of the lands of the United States, lying within the state of Ohio, which, since the thirtieth day of June last, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature of the said state to receive the same, which sums, thus paid, shall be applied to the laying out, opening, and making roads, within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the secretary of the treasury, by such officer of the state as the legislature thereof shall direct: and it is hereby declared, that the payments thus to be made, as well as the several appropriations for schools made by the preceding section, are in conformity with, and in consideration of, the conditions agreed on by the state of Ohio, by the ordinance of the convention of the said state, bearing date the twenty-ninth day of November last.

Three per centum of the nett proceeds of sale of lands appropriated to laying out, &c. roads.

[*Act of December 12, 1811, 4 v. L. U. S. p. 364.*]

SEC. 1. That the President of the United States be, and hereby is authorized to appoint three commissioners, who shall explore, survey, and mark, by the most eligible course, a road from the foot of the rapids of the river Miami of Lake Erie, to the western line of the Connecticut Reserve, and a road to run southwardly, from Lower Sandusky, to the boundary line established by the treaty of Greenville, which said road shall be sixty feet in width; and the said commissioners

The President to appoint commissioners to lay out a road.

*See Act of February 7, 1825, 23 v. L. O. p. 32.

shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of said surveys, shall cause the plats thereof to be deposited in the office of the treasury of the United States; and the said roads shall be considered as established and accepted, pursuant to the treaty held at Brownstown, in the territory of Michigan, on the twenty-fifth day of November, one thousand eight hundred and eight.

The road to be opened under the direction of the President.

Commissioners' compensation.

SEC. 2. That the aforesaid roads shall be opened and made under the direction of the President of the United States, in such manner as he shall direct.

SEC. 3. That the said commissioners shall, each, be entitled to receive three dollars, and their necessary assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed in the exploring, surveying, and marking, said roads; and for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said roads, there shall be, and hereby is, appropriated the sum of six thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.



[*Act of April 16, 1816, 1 sess. 14 Cong. p. 53.*]

President authorized to alter the location of the road.

SEC. 1. That the President of the United States be, and is hereby authorized to cause to be made, in such manner as he may deem most proper, an alteration in the road laid out under the authority of an act, entitled "An act to authorize the surveying and making of certain roads in the state of Ohio, as contemplated by the treaty of Brownstown, in the territory of Michigan," so that the said road may pass through the United States' reservation at Lower Sandusky, or north thereof, not exceeding three miles.

Expense, how paid.

SEC. 2. That the necessary expenses which shall be incurred in altering the said road, shall be paid out of the monies appropriated for the surveying of the public lands of the United States.



[*Act of February 28, 1823, 2 sess. 17 Cong. p. 13.*]

The state of Ohio authorized to lay out a road.

SEC. 1. That the state of Ohio is hereby authorized to lay out, open, and construct, a road, from the Lower Rapids of the Miami of Lake Erie, to the western boundary of the

*See "Treaties."

Connecticut Western Reserve, in such manner as the legislature of said state may by law provide, with the approbation of the President of the United States; which road, when constructed, shall forever remain a public highway.

SEC. 2. That in order to enable the state of Ohio to open Grant of land for a road. and construct said road, a tract of land, one hundred and twenty feet wide, whereon to locate the same, together with a quantity of land equal to one mile on each side thereof, and adjoining thereto, to be bounded by sectional lines as run by the United States, to defray the expenses of making said road, is hereby granted to said state; to commence at the Miami Rapids, and terminate at the western boundary of the Connecticut Western Reserve, with full power and authority Power given to sell and survey. to sell and convey the same, and apply the proceeds to the making of said road: and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain with the state of Ohio, as a fund for the purpose of keeping said road in repair: *Provided*, That said road shall be made within the term of four years from the passage of this act: *And provided*, None Proviso. of the land hereby appropriated for making said road shall be sold for a less price than one dollar and twenty-five cents per acre.

SEC. 3. That in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the secretary of the treasury is hereby directed to pay such officer as the state of Ohio may appoint for that purpose, the nett proceeds of the sales of the quantity thus sold at a minimum price. If lands have been sold, minimum price to be paid to the state.

SEC. 4. That, whenever the governor of the state of Ohio shall have laid before the President of the United States a survey of the location of said road, accompanied by an act of said state, accepting said trust, and providing for making said road within the time above limited, and the President shall have approved the same, then the right of the state to said tract of land shall be considered as complete for the purposes aforesaid; and the President shall direct that, until the first day of June, one thousand eight hundred and twenty-three, none of the public lands shall be sold within three miles on each side of a line, to be drawn direct from the foot of the Rapids of the Miami of Lake Erie to the Lower Rapids of Sandusky; thence to the western boundary of the Connecticut Western Reserve: *Provided*, That nothing in this act contained, shall ever hereafter be construed to imply any obligation upon the United States to grant additional lands, or further aids of any sort, towards the opening, making, or keeping in repair, of the road aforesaid. Under what circumstances the right to the land shall be complete. No lands to be sold within the grant, after June 1, 1823. Proviso.

*See Act of February 25, 1824, 22 v. L. O. p. 123, and act of February 7, 1825, 23 v. L. O. p. 33.

Lands for the Support of the Gospel and Schools.

[Ordinance of May 20, 1785, 1 v. L. U. S. p. 563.]

School section.

THERE shall be reserved the lot No. 16, of every township, for the maintenance of Public Schools within the said township, &c.

[Ordinance of July 23, 1787, 1 v. L. U. S. p. 573.]

Sections No. 16 and 29 reserved.

The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of Religion.*

Two townships for an University.

Not more than two complete townships to be given perpetually for the purposes of an University, to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the state.†

[Act of April 30, 1802, 3 v. L. U. S. p. 497.]

Propositions offered.

SEC. 7. That the following propositions be, and the same are hereby, offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection; which, if accepted, by the convention, shall be obligatory upon the United States.

Section No. 16 for Schools.

First: That the section number sixteen, in every township, and where such section has been sold, granted, or disposed of,

*This donation of section No. 29, for religious purposes, is confined to the Ohio Company's and Symmes' Purchase.

†John C. Symmes proposes "that a contract be made, &c. in all respects similar in form and matter to the said grant made Messrs. Sargent and Cutler, differing only in quantity, &c. and instead of two townships, for the use of an University, that one only be assigned for the benefit of an Academy." See "J. C. Symmes' Purchase." *Ante* p. 26.

other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of Schools.*



[Act of March 3, 1803, 3 v. L. U. S. p. 541.]

SEC. 1. That the following several tracts of land in the ^{Lands appro-} state of Ohio, be, and the same are hereby, appropriated for ^{priated for} the use of Schools in that state, and shall, together with all ^{Schools.} the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose, whatever, that is to say:

First: The following quarter townships, in that tract com- ^{United States} monly called the "United States' Military Tract," for the use ^{Military} of Schools within the same, viz: the first quarter of the third ^{School Lands.} township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township, in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

Secondly: The following quarter townships in the same ^{Western Res-} tract, for the use of Schools in that tract commonly called ^{erve.} the Connecticut Reserve, viz: the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

Thirdly: So much of that tract commonly called the "Vir-

*See this entire act post.

Lands for the Support of the Gospel and Schools.

[Ordinance of May 20, 1785, 1 v. L. U. S. p. 565.]

School section.

THERE shall be reserved the lot No. 16, of every township, for the maintenance of Public Schools within the said township, &c.

[Ordinance of July 23, 1787, 1 v. L. U. S. p. 573.]

Sections No. 16 and 29 reserved.

The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of Religion.*

Two townships for an University.

Not more than two complete townships to be given perpetually for the purposes of an University, to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the state.†

[Act of April 30, 1802, 3 v. L. U. S. p. 497.]

Propositions offered.

SEC. 7. That the following propositions be, and the same are hereby, offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection; which, if accepted, by the convention, shall be obligatory upon the United States.

Section No. 16 for Schools.

First: That the section number sixteen, in every township, and where such section has been sold, granted, or disposed of,

*This donation of section No. 29, for religious purposes, is confined to the Ohio Company's and Symmes' Purchase.

†John C. Symmes proposes "that a contract be made, &c. in all respects similar in form and matter to the said grant made Messrs. Sargent and Cutler, differing only in quantity, &c. and instead of two townships, for the use of an University, that one only be assigned for the benefit of an Academy;" See "J. C. Symmes' Purchase." *Ante* p. 26.

other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of Schools.*



[Act of March 3, 1803, 3 v. L. U. S. p. 541.]

SEC. 1. That the following several tracts of land in the ^{Lands appro-} state of Ohio, be, and the same are hereby, appropriated for ^{priated for} the use of Schools in that state, and shall, together with all ^{Schools.} the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose, whatever, that is to say:

First: The following quarter townships, in that tract com- ^{United States} monly called the "United States' Military Tract," for the use ^{Military} of Schools within the same, viz: the first quarter of the third ^{School Lands.} township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township, in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

Secondly: The following quarter townships in the same ^{Western Re-} tract, for the use of Schools in that tract commonly called ^{serve.} the Connecticut Reserve, viz: the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

Thirdly: So much of that tract commonly called the "Vir-

*See this entire act post.

Virginia Military Reservation," as will amount to one thirty-sixth part of the whole tract, for the use of Schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract, after the warrants issued from the state of Virginia shall have been satisfied; it being, however, understood, that the donation is not to exceed the whole amount of the above mentioned residue of such unlocated lands, even if it shall fall short of one thirty-sixth part of the said tract.

1-36th part of all lands in Ohio. *Fourthly:* One thirty-sixth part of all the lands of the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section No. sixteen, in each township, if the said land shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lots.

Three per cent. to be laid out in making roads. SEC. 2. That the secretary of the treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public monies of the several land offices shall be settled, pay three per cent. of the nett proceeds of the lands of the United States, lying within the state of Ohio, which, since the thirtieth day of June last, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature of the said state to receive the same, which sums, thus paid, shall be applied to the laying out, opening, and making roads, within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the secretary of the treasury, by such officer of the state as the legislature thereof shall direct: and it is hereby declared, that the payments thus to be made, as well as the several appropriations for Schools made by the preceding section, are in conformity with, and in consideration of, the conditions agreed on by the state of Ohio, by the ordinance of the convention of the said state, bearing date the twenty-ninth day of November last.*

The consideration for these privileges.

The sections for Schools to be selected by the secretary of the treasury. SEC. 3. That the sections of land heretofore promised for the use of Schools, in lieu of such of the sections, No. 16, as have been otherwise disposed of, shall be selected by the secretary of the treasury, out of the unappropriated reserved sections, in the most contiguous townships.

One township granted for an Academy.

SEC. 4. That one complete township, in the state of Ohio, and district of Cincinnati, or so much of any one complete township, within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sec-

*See ordinance and resolutions, framed in convention. Nov. 29, 1802, 21 v. L. O. p: 44—and *post*.

tions, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land office of Cincinnati, be, and the same is hereby, vested in the legislature of the state of Ohio, for the purpose of establishing an Academy, in lieu of the township already granted for the same purpose, by virtue of the act, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates:" *Provided, however,* That the same shall revert to the United States, if, within five years after the passing of this act, a township shall have been secured for the said purpose, within the boundary of the patent, granted, by virtue of the above mentioned act, to John Cleves Symmes, and his associates.

SEC. 5. That the attorney general for the time being, be directed and authorized to locate and accept, from the said John Cleves Symmes, and his associates, any one complete township within the boundaries of the said patent, so as to secure the same for the purpose of establishing an Academy, in conformity to the provisions of the said patent, and, in case of non-compliance, to take, or direct to be taken, such measures as will compel an execution of the trust: *Provided, however,* That John Cleves Symmes, and his associates, shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple, upon payment, into the treasury of the United States, of fifteen thousand three hundred and sixty dollars, with interest, from the date of the above mentioned patent to the day of such payment.

Attorney General may accept from Symmes a township for an Academy, &c.

[Act of March 2, 1807, 4 v. L. U. S. p. 93.]

SEC. 3. That eighteen quarter townships and three sections, to be selected by the secretary of the treasury, by lot, in that tract of land in the state of Ohio lately purchased from the Indians, and lying between the tract commonly called the United States Military Tract and the tract commonly called the Connecticut Reserve, be, and the same are hereby, appropriated for the use of Schools, in that tract of land in the state aforesaid, commonly called "the Virginia Military Reservation," and be vested in the legislature of that state, in trust, for the use aforesaid, and for no other use, intent, or purpose, whatever; which said eighteen quarter townships and three sections, are thus appropriated and vested in lieu of the one thirty-sixth part of the tract aforesaid, called the "Virginia Military Reservation," which, by a former act, had been appropriated and vested as aforesaid, for the use of Schools within the same: *Provided, however,* That no quarter townships including the section number sixteen of such township, shall be selected, as aforesaid, for the purpose above

Eighteen quarter townships and three sections appropriated, for the use of Schools, in the V. M. Tract.

Proviso.

Proviso.

mentioned: *And provided also, and it is hereby understood and declared,* That the said eighteen quarter townships and three sections shall be appropriated and vested, for the purposes aforesaid, only on condition that the legislature of the state of Ohio shall, within one year after the passing of this act, pass a law accepting the said eighteen quarter townships and three sections, for the purposes aforesaid, in lieu of the thirty-sixth part of the tract commonly called "the Virginia Military Reservation," heretofore appropriated and vested by law for the use of Schools within the same; and releasing to the United States all their claim, right, title, and interest, and all the right, title, and interest, of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract, heretofore appropriated and vested by law for the use of Schools within the same. And if the legislature of the said state shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships and three sections shall not be considered and held as appropriated and vested for the purposes aforesaid, but shall be disposed of in the same manner as is, or may be, provided by law for the disposal of other public lands in the same tract.



[*Act of Ohio, January 14, 1808, 6 v. p. 125.*]

An Act accepting certain lands offered by Congress for the use of Schools, in the Virginia Military Tract, in lieu of those heretofore appropriated.

Lands accepted.

SEC. 1. That the eighteen quarter-townships and three sections of land, offered by the Congress of the United States, in the third section of the act, entitled "An act, to extend the time for locating Virginia Military warrants, for returning surveys thereon to the office of the secretary of the department of war, and appropriating lands for the use of schools, in the Virginia Military Reservation, in lieu of those appropriated," approved the second day of March, one thousand eight hundred and seven, which third section is in the words following, viz: [*Here the third section of the act is recited verbatim.*] be, and the same are hereby accepted in lieu of the lands appropriated by an act, entitled "An act, in addition to, and in modification of, the propositions contained in the act, entitled "An act, to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and for other purposes."

And the General Assembly of the state of Ohio do in behalf of the inhabitants of the said Virginia Military Reser-

vation, and in their own behalf, release to the United States, all their right, title and interest in and to the one thirty-sixth part of the said tract, appropriated and vested by the act last above recited for the use of schools within the same. Release.

LANDS FOR SCHOOLS IN THE VIRGINIA MILITARY TRACT.

Treasury Department, 13th February, 1808.

In pursuance of the powers vested in me by the act of Congress, entitled "An act to extend the time for locating Virginia military warrants, for returning surveys thereon to the office of the seeretary of the department of war, and appropriating lands for the use of Schools in the Virginia Military Reservation, in lieu of those heretofore appropriated;" I do hereby certify, that I have selected by lot the following eighteen quarter townships and three sections of land, to be vested in the legislature of the state of Ohio, in trust, for the use of Schools, and for no other use, intent, or purpose whatever, in lieu of the thirty-sixth part of the tract commonly called the "Virginia Military Reservation," heretofore appropriated and vested by law for the use of Schools within the same, namely: The southwest quarter of township number eighteen, in range number eleven; the southeast quarter of township number fifteen, in range number twelve; the northeast quarter of township number sixteen, in range number twelve; the southeast quarter of township number fourteen, in range number thirteen; the southwest quarter of township number fifteen, in range number thirteen; the southwest quarter of township number twenty, in range number fourteen; the southwest quarter of township number twenty, in range number sixteen; the northeast quarter of township number twenty-one, in range number sixteen; the northeast quarter of township number twenty-two, in range number sixteen; the northeast quarter of township number twenty-four, in range number seventeen; the northeast quarter of township number twenty, in range number eighteen; the southeast quarter of township number twenty, in range number eighteen; the northeast quarter of township number twenty-one, in range number eighteen; the southwest quarter of township number twenty-three, in range number nineteen; the northeast quarter of township number eighteen, in range number twenty; the southeast quarter of township number twenty, in range number twenty; the northeast quarter of township number fourteen, in range number twenty-one; and the southeast quarter of township number fourteen, in range number twenty-one; and sections number thirty-one, thirty-

Report of the
Secretary of
the Treasury.

Style and capacities. en persons, to be appointed by the legislature, capable of suing and being sued, of pleading and being impleaded, and when sued, service shall be by leaving a copy of the process with their clerk, if the debt or demand exceed the jurisdiction of a single magistrate, at least thirty days before the sitting of the court to which such process is made returnable; but if cognizable by a single magistrate, a copy of the process shall be left with the clerk, and the time of service regulated by the laws of this territory, in such case, made and provided; and they shall have a common seal, with a power to break, alter and renew the same, when and so often as said corporation may think proper.

Persons composing corporation.

Proviso.

SEC. 2. That Griffin Greene, Robert Oliver, Benjamin Ives Gilman, Isaac Pierce, Jonathan Stone, Ephraim Cutler, and William Rufus Putnam, esquires, be, and the same are hereby appointed trustees for the purposes expressed in this act, any five of whom to constitute a board, capable of doing and transacting the business of said corporation: *Provided*, That no act or resolution of the board shall be conclusive or binding, unless the same shall be approved of by a majority of the whole number of the trustees, composing the corporation.

Legislature may remove and fill vacancies.

SEC. 3. That the legislature may, on complaint, remove any member of the corporation, for misconduct or breach of trust, and when vacancies occur in the corporation, either by death, removal or resignation of any trustee, the legislature shall appoint a person to fill such vacancy: and in case a vacancy should happen during the recess of the legislature, the board of trustees may fill such vacancy, to serve during such recess; which appointment shall be certified to the next legislature by said board.

A clerk, &c. to be appointed.

SEC. 4. That the corporation aforesaid shall meet annually on the first Monday in April; at which meeting the trustees shall choose, from their body, a chairman, clerk and treasurer; the chairman may call special meetings when necessary; the clerk shall reside, and hold his office in Marietta, and the treasurer shall give bond with two sureties, neither of whom shall be a member of the corporation, conditioned for the faithful discharge of the duties of his office, in such a sum as the trustees may think necessary.

Temporary officers.

SEC. 5. That until the first annual meeting of the corporation aforesaid, Griffin Greene, shall be, and is hereby appointed chairman; Benjamin Ives Gilman, clerk; and William Rufus Putnam, treasurer.

Lands in charge of trustees.

SEC. 6. That all and every lot of land, granted as aforesaid, either by the United States or the Ohio Company, shall be and the same are hereby placed under the care, charge and inspection of the trustees aforesaid, and they are hereby vested with full power and authority, when and so often as they may think proper, by legal process, to remove any per-

son or persons from the possession of any of the lots granted as aforesaid, when such person or persons have not taken a lease and refuse or neglect to take the same, or are on such lands as the trustees think proper to reserve for wood land, commons or other useful purposes. And the said trustees are authorized to prosecute any person or persons for committing trespass or waste on any of the land granted as aforesaid, in any court proper to try the same. The power to remove.

SEC. 7. Whereas, a part of the town of Marietta, is built on the fractional lot number twenty-nine, in the second township of the eighth range, surveyed agreeably to the ordinance of Congress of the twentieth of May, one thousand seven hundred and eighty-five, granted for Religious purposes as aforesaid; and whereas it is reasonable that those persons who have built or may build valuable houses on the same, should hold the land so built on, by a permanent lease: *Be it therefore further enacted*, That the said trustees are authorized to lease any part of the lot number twenty-nine, mentioned in this section, except such streets and commons as have been laid out and established as public highways, by the court of general quarter sessions of the peace, for the county of Washington, in the following manner, viz: to any person or persons who have built or may build a dwelling-house, a storehouse, a house or houses for any manufactory, of the value of two hundred and fifty dollars, a lot or parcel of ground not to exceed one-third part of an acre: to any person or persons who have built or may build a dwelling-house, a house or houses for any manufactory, of the value of one thousand dollars, a lot or parcel of ground not to exceed two-third parts of an acre, provided the trustees shall deem so much land necessary for such manufactory: to any person or persons who have built or may build a dwelling-house, of the value of two thousand dollars, a lot or parcel of ground not to exceed one acre: *Provided always*, That the house aforesaid stand upon the lot or parcel to be leased as aforesaid; which lease or leases shall be made for the term of ninety-nine years, and be renewable forever, with a fixed annual rent, not in any case to exceed ten dollars for one-third part of an acre per year, except as is provided in the tenth section of this act, and not in any case to be less than one dollar for one-third part of an acre per year, and in this proportion for any greater or less quantity of ground leased as aforesaid. And it is hereby made the duty of the trustees aforesaid, to regulate the leasing of the lot number twenty-nine aforesaid, by the survey made by the Ohio Company of part of the said lot, in laying out the town of Marietta. Preamble.

Be it therefore further enacted, That the said trustees are authorized to lease any part of the lot number twenty-nine, mentioned in this section, except such streets and commons as have been laid out and established as public highways, by the court of general quarter sessions of the peace, for the county of Washington, in the following manner, viz: to any person or persons who have built or may build a dwelling-house, a storehouse, a house or houses for any manufactory, of the value of two hundred and fifty dollars, a lot or parcel of ground not to exceed one-third part of an acre: to any person or persons who have built or may build a dwelling-house, a house or houses for any manufactory, of the value of one thousand dollars, a lot or parcel of ground not to exceed two-third parts of an acre, provided the trustees shall deem so much land necessary for such manufactory: to any person or persons who have built or may build a dwelling-house, of the value of two thousand dollars, a lot or parcel of ground not to exceed one acre: *Provided always*, That the house aforesaid stand upon the lot or parcel to be leased as aforesaid; which lease or leases shall be made for the term of ninety-nine years, and be renewable forever, with a fixed annual rent, not in any case to exceed ten dollars for one-third part of an acre per year, except as is provided in the tenth section of this act, and not in any case to be less than one dollar for one-third part of an acre per year, and in this proportion for any greater or less quantity of ground leased as aforesaid. And it is hereby made the duty of the trustees aforesaid, to regulate the leasing of the lot number twenty-nine aforesaid, by the survey made by the Ohio Company of part of the said lot, in laying out the town of Marietta. Trustees may lease No. 29.

Be it therefore further enacted, That the said trustees are authorized to lease any part of the lot number twenty-nine, mentioned in this section, except such streets and commons as have been laid out and established as public highways, by the court of general quarter sessions of the peace, for the county of Washington, in the following manner, viz: to any person or persons who have built or may build a dwelling-house, a storehouse, a house or houses for any manufactory, of the value of two hundred and fifty dollars, a lot or parcel of ground not to exceed one-third part of an acre: to any person or persons who have built or may build a dwelling-house, a house or houses for any manufactory, of the value of one thousand dollars, a lot or parcel of ground not to exceed two-third parts of an acre, provided the trustees shall deem so much land necessary for such manufactory: to any person or persons who have built or may build a dwelling-house, of the value of two thousand dollars, a lot or parcel of ground not to exceed one acre: *Provided always*, That the house aforesaid stand upon the lot or parcel to be leased as aforesaid; which lease or leases shall be made for the term of ninety-nine years, and be renewable forever, with a fixed annual rent, not in any case to exceed ten dollars for one-third part of an acre per year, except as is provided in the tenth section of this act, and not in any case to be less than one dollar for one-third part of an acre per year, and in this proportion for any greater or less quantity of ground leased as aforesaid. And it is hereby made the duty of the trustees aforesaid, to regulate the leasing of the lot number twenty-nine aforesaid, by the survey made by the Ohio Company of part of the said lot, in laying out the town of Marietta. Quantity of lands to be leased.

Be it therefore further enacted, That the said trustees are authorized to lease any part of the lot number twenty-nine, mentioned in this section, except such streets and commons as have been laid out and established as public highways, by the court of general quarter sessions of the peace, for the county of Washington, in the following manner, viz: to any person or persons who have built or may build a dwelling-house, a storehouse, a house or houses for any manufactory, of the value of two hundred and fifty dollars, a lot or parcel of ground not to exceed one-third part of an acre: to any person or persons who have built or may build a dwelling-house, a house or houses for any manufactory, of the value of one thousand dollars, a lot or parcel of ground not to exceed two-third parts of an acre, provided the trustees shall deem so much land necessary for such manufactory: to any person or persons who have built or may build a dwelling-house, of the value of two thousand dollars, a lot or parcel of ground not to exceed one acre: *Provided always*, That the house aforesaid stand upon the lot or parcel to be leased as aforesaid; which lease or leases shall be made for the term of ninety-nine years, and be renewable forever, with a fixed annual rent, not in any case to exceed ten dollars for one-third part of an acre per year, except as is provided in the tenth section of this act, and not in any case to be less than one dollar for one-third part of an acre per year, and in this proportion for any greater or less quantity of ground leased as aforesaid. And it is hereby made the duty of the trustees aforesaid, to regulate the leasing of the lot number twenty-nine aforesaid, by the survey made by the Ohio Company of part of the said lot, in laying out the town of Marietta. Proviso.

SEC. 8. That any person or persons holding any lot or parcel of ground, by lease or leases as aforesaid, renewable forever, may transfer the same; and the legal evidence of such Transfer, how made.

transfer, shall be the same as is by law required, for evidence of the transfer of lands in fee simple.

Vacant lots
may be leased.

SEC. 9. That any part of lot number twenty-nine as aforesaid, which shall not be leased as aforesaid, may be leased for a term not exceeding seven years nor less than three years, and the trustees may from term to term, require such rent as they may think reasonable: *Provided*, the same shall in no case, exceed the sum of five dollars for one third part of an acre in one year: and if any part of the said lot number twenty-nine, held by lease for years as aforesaid, should be built upon during the continuance of the lease and the occupant or occupants should obtain a permanent lease as aforesaid, then so much of the lease for years, shall be void, as is contained in the permanent lease.

Preamble.

SEC. 10. Whereas towns are frequently rendered unhealthy by a crowded population, therefore to impede an evil so calamitous: *Be it further enacted*, That when any person or persons shall hereafter build on a lot or parcel of ground, not exceeding one-third part of an acre, more than one dwelling-house, or shall hereafter build or add to a dwelling-house, so as to accommodate more than one family, then, and in every such case, such occupant shall annually pay, for each additional dwelling-house or accommodation for a family, as aforesaid, three-fourths of the sum of the annual rent upon the lot, in addition to the annual rent. And it is hereby made the duty of the trustees aforesaid, to insert in every lease by them made, a provision for the purpose of preventing any evasion of this section.

Additional
rent to be paid
for more than
one house.

Rent to be
paid semi-annually.

SEC. 11. That the money due for rent, shall be paid by the lessee, to the treasurer of the trustees, the one moiety on or before the thirtieth day of June, annually, and the other moiety on or before the thirty-first day of December, annually; and on failure of the payment of the rent for thirty days after the day of payment, the trustees, may direct their clerk to issue a warrant of distress, directed to a constable of the township, commanding him to levy and collect the rent out of the goods and chattels of the delinquent; and the clerk shall receive twenty-five cents for such warrant; and the constable such fees as are given by law for the like services in other cases, to be collected with the rent: *Provided*, No goods or chattels can be found of which distress might be made, the trustees are empowered to re-enter upon the land, and the improvement shall be sold at public vendue, to satisfy such rent and costs; in which case, the said trustees shall give ten days public notice of the time and place where the improvements of such land or a part thereof will be sold; and in case the improvements should sell for more than the rent and costs, or there be only a part sold, the overplus, if in money, shall be paid over, and if in lands, shall again be leased to the delinquent.

Warrant of
distress may
issue.

Improvements
may be sold.

SEC. 12. That three-fourth parts of the clear profits, in- Rents appro-
 come and rent of the said fractional lot number twenty-nine, priated.
 shall be appropriated for the support of such public teacher
 or teachers of piety, religion and morality, as shall be em-
 ployed as hereafter provided; and that the other one-fourth
 part shall be received in the treasury or placed at interest on
 good security; and when, in the opinion of the trustees, it
 shall be sufficient, it shall be appropriated to build a house
 of public worship within said fractional township, or two or
 more houses when necessary; which house or houses shall
 be subject to be occupied and made use of, by all and every
 religious society, which is entitled to a dividend of the rents
 and profits as directed by this act. And in case two or more
 societies are desirous to make use of one house, the trustees
 shall direct the time when each society may use the same;
 and should there be as many houses as societies, the trustees
 shall assign to each society a house.

SEC. 13. That the free male inhabitants of the age of Who entitled
 twenty-one years and upwards, who have resided one year to dividends.
 within the said township, number two, and hold lands in fee
 in said township, or rent a house or land for the term of one
 year within the same, may form themselves into a religious
 society or societies, and may employ a public teacher or
 teachers of religion, piety and morality as they may think
 necessary; which society or societies may meet at such times
 and places as they may agree on, and appoint such officers
 as they may deem necessary to manage and transact their
 business.

SEC. 14. That to enable the trustees to make a just divi- What acts to
 dend of the money arising for rent, to each society established be done by
 within said township as aforesaid, it shall be the duty of every persons claim-
 free male inhabitant of the age of twenty-one years, qualified ing dividend.
 as aforesaid, on or before the first Monday of April, annually,
 to lodge with the clerk of the trustees, a certificate, stating
 the society to which such person belongs; and the number of
 persons of the age aforesaid belonging to a society, and hav-
 ing lodged a certificate as aforesaid, shall be the ratio by
 which the trustees shall pay out the money for the support
 of religious teachers: *Provided always,* That no society shall Provide.
 be considered as entitled to a dividend of the money afore-
 said, unless such society shall employ a public teacher as
 aforesaid, and shall meet one day in seven for public worship.
 And the trustees shall not, in any case, pay out money to any
 society until such society produce a contract by them made,
 and also produce evidence that the services for which money
 is to be paid, have been actually done and performed, agree-
 ably to contract; and when such evidence is produced, the
 trustees shall draw an order on their treasurer, in favor of
 the person who rendered the services, for the amount thereof,

provided the dividend belonging to such society shall amount to that sum.

Dividend may
be put to in-
terest.

SEC. 15. That if any society shall not appropriate and expend the whole of their dividend in one year, it shall be lawful for the trustees to place the balance remaining in the treasury, at interest, on good security, for the benefit of such society, to be afterwards appropriated by them for the purposes aforesaid.

Appeals al-
lowed.

SEC. 16. That should there be any dispute, whether the money aforesaid is distributed agreeably to the provisions of this act, the society or societies who may think themselves aggrieved by the decision of the trustees, may appeal from such decision, to the court of general quarter sessions of the peace, which appeal shall be entered with the clerk of the trustees within fifteen days after such decision is made public, and the clerk is required to certify such decision, with all proceedings had thereon, to the next court of general quarter sessions of the peace; and the said court is authorized and required to hear and determine such matter in dispute, and certify their determination to the clerk of the trustees, which determination shall be final, and the distribution made accordingly; and the books of the trustees, with the accounts of their treasurer, shall, at all times, be subject to the inspection of any committee or committees, from one or all of the societies of said township, established as aforesaid.

Improvement
leases may be
granted.

SEC. 17. That the said trustees are hereby authorized to lease all the other lots of land, granted as aforesaid, for Religious purposes and the support of Schools in the county aforesaid, for any term not exceeding seven years, and may require such improvements to be made thereon as they may think reasonable; and if any lessee shall neglect to make the improvements conditioned in the lease, the trustees shall have power to re-enter upon the land, and lease the same to any other person.

Officers' com-
pensation.

SEC. 18. That the trustees may require, for each lease for improvement, a reasonable sum for said lease, together with a sum to defray the expense of sub-dividing any lot; and the trustees aforesaid, for all business performed under this act, relative to the lot number twenty-nine, in the second township aforesaid, shall each receive, for every day necessarily employed on said business, one dollar, and the treasurer is hereby authorized to pay the same; and the treasurer shall retain six per centum, on all money by him received, in full compensation for receiving and paying out the money; and the clerk shall receive such allowance, as the other trustees shall think reasonable, for all writing under this act.

Preamble.

SEC. 19. Whereas doubts may arise, how far a future legislature may alter or repeal a law that creates a corporate body, without a provision therefor in the same law; there-

fore: *Be it further enacted*, That the legislature may, at any time hereafter, amend, alter or entirely repeal this act, and, in any other manner, appropriate the profits of the aforesaid lot, number twenty-nine, to the purposes aforesaid: *Provided always*, That all leases made under this act, shall be, and remain as valid in law as though no alteration had been made by the legislature. This act shall commence and be in force from and after the first day of January next.*

This act may be altered.
Effect.

—♦—

[Act of February 21, 1805, 3 v. L. O. p. 200.]

An Act authorizing the leasing of certain lands in the county of Washington, granted for Religious purposes.

SEC. 1. That there shall be established a body politic and corporate, by the name and style of the trustees for managing lands granted for Religious purposes, in the county of Washington, within the Ohio Company's Purchase, which corporation shall consist of nine persons, to be appointed by the General Assembly, capable of suing and being sued, of pleading and being impleaded, and when sued, service shall be by leaving a copy of the process with their clerk, if the debt or demand exceed the jurisdiction of a single magistrate, at least thirty days before the sitting of the court to which such process is made returnable, but if cognizable by a single magistrate, a copy of the process shall be left with the clerk, and the time of service regulated agreeably to the laws of this state, in such case made and provided, and they shall have one common seal, with the power to break, alter and renew the same, when and so often as said corporation may think proper.

Corporation established to lease sec. 29, in Washington county.

SEC. 2. That William Rufus Putnam, Matthew Backus, Joseph Buell, Silas Bent, junr. Cornelius Hogland, Hasfield White, Joseph Wood, William Skinner and William Nixon, be and the same are hereby appointed, trustees for the purpose expressed in this act, any five of whom to constitute a board capable of doing and transacting the business of the said corporation: *Providing*, That no act or resolution of the board shall be binding, unless the same shall be approved of by a majority of the whole number of the trustees composing the corporation.

Trustees appointed.

SEC. 3. That the legislature may, on complaint, remove any member of the corporation for misconduct or breach of trust, and when vacancies occur in the corporation, either by death, removal or resignation of any trustee, the legislature shall appoint a person to fill such vacancy, and in case a va-

Legislature may remove from office.

*A law was passed 1 sess. G. A. T. p. 232, authorizing the inhabitants of Marietta to levy a tax on the occupiers of section No. 29, for 1800. This act expired, January 1, 1801.

cancy should happen during the recess of the legislature, the board of trustees may fill such vacancy, to serve during such recess, which appointment shall be certified to the next legislature by said board.

Annual meeting.

Officers to give bonds.

Lands vested in the corporation.

Trustees may lease lots in town of Marietta.

SEC. 4. That the corporation shall meet, annually, on the first Monday of May, at which time the trustees shall choose, from their body, a chairman, clerk and treasurer; the chairman may call special meetings, when necessary; the clerk and treasurer shall reside and keep their offices in Marietta; the treasurer shall give bonds, with two sureties, neither of whom shall be a member of the corporation, conditioned for the faithful discharge of his office, in such a sum as the trustees may think necessary.

SEC. 5. That all and every lot of land lying in the county of Washington, granted as aforesaid, by the United States to the Ohio Company, in trust, shall be and the same are hereby placed under the care, charge and inspection of the trustees aforesaid, and they are hereby vested with full power and authority, when and so often as they may think proper, by legal process, to remove any person or persons from the possession of any of the lots granted as aforesaid, when such person or persons have not taken a lease, and refuse or neglect to take the same, or are on such lands as the trustees think proper to reserve for wood lands, commons or other useful purposes; and the said trustees are authorized to prosecute any person or persons for committing trespass or waste on any lands granted as aforesaid, in any court proper to try the same.

SEC. 6. That as the town of Marietta is built on the fractional lot number twenty-nine, in the second township of the eighth range, surveyed agreeably to the ordinance of Congress, of the twentieth of May, one thousand seven hundred and eighty-five, granted for Religious purposes aforesaid, and it is reasonable that those persons who have built or may build valuable houses on the same, should hold the same so built on by a permanent lease, the said trustees therefore, are authorized to lease any part of the aforesaid lot number twenty-nine, except such streets and commons as have been heretofore laid out and established by law, as public roads and highways, in the following manner, viz: To any person or persons who have built or may build a dwelling-house or store-house, or house or houses for any manufactory, of the value of two hundred and fifty dollars, a lot or parcel of ground not exceeding one-third part of an acre. To any person or persons who may build a dwelling-house or house or houses, for any manufactory, of the value of one thousand dollars, a lot or parcel of ground not exceeding two-third parts of an acre. To any person or persons who have built or may build a dwelling-house of two thousand dollars and upwards, a lot or parcel of ground not to exceed one acre and one-third

of an acre: *Providing*, The person or persons building such house, have that quantity in possession; which lease or leases shall be made for the term of ninety-nine years, and renewable forever, with a fixed annual rent, not in any case, to exceed ten dollars for one third part of an acre, nor less than one dollar, and in the same proportion for any greater or less quantity of ground leased as aforesaid; and it is hereby made the duty of the trustees aforesaid, to regulate the lot number twenty-nine aforesaid, by the survey made by the Ohio Company, of part of the said lot, in laying off the town of Marietta.

SEC. 7. That any person holding any lot or parcel of ground, by lease or leases aforesaid, renewable forever, may transfer the same, and the legal evidence of such transfer shall be the same as by law required for evidence of the transfer of lands in fee simple.

SEC. 8. That any part of lot number twenty-nine, as aforesaid, which shall not be leased as aforesaid, may be leased for a term not exceeding ten years nor less than three years, and the trustees may, from time to time, require such rent as they may think reasonable: *Providing*, That the same shall, in no case, exceed three dollars for one-third part of an acre, for one year; and if any part of the said lot, number twenty-nine, held by lease for years, as aforesaid, should be built on during the continuance of the lease, and the occupant or occupants should obtain a permanent lease, as aforesaid, then so much of the lease for years shall be void as is contained in the permanent lease.

SEC. 9. That the money due for rent, shall be paid by the lessee to the treasurer of the trustees, on the first day of July, annually, and on failure of the payment of the rent for forty days after the day of payment, the trustees may direct their clerk to issue a warrant of distress, directed to a constable of the township, commanding him to levy and collect the rent out of the goods and chattels of the delinquent, and the clerk shall recover twelve and an half cents for such warrant, and the constable such fees as are given by law for the like services in other cases, to be collected with the rent: *Providing*, No goods or chattels can be found, of which distress can be made, the trustees are empowered to re-enter upon the land, and the improvement shall be sold at public vendue, to satisfy such rent and costs; in which case, the said trustees shall give at least fifteen days public notice of the time and place where the improvement of such land or part thereof, will be sold, and in case the improvement should sell for more than the rent and costs, or there be only a part sold, the overplus, if in money, shall be paid over, and if in lands, shall again be leased to the delinquent.

SEC. 10. That it shall be lawful for every free male inhabitant, who resides in the town of Marietta, annually, in the month of May, to lodge with the clerk of the trustees a certificate.

Religious societies may appoint a committee.

May build a house for worship.

Permanent leases how granted.

Compensation of trustees.

Effect.

SEC. 3. That it shall be lawful for any Religious society, who are entitled to receive a dividend of the money arising from the rents of the said Ministerial lot number twenty-nine in Marietta, to appoint a committee to contract with any person or persons to build a house for public worship in Marietta, and to transfer their right and title to the said dividend for that purpose, for any term not exceeding seven years, and the persons giving in their names for the purpose of building a house as aforesaid, shall not be compelled to give in their names to the trustees yearly in the month of May, as directed in the above recited act, and the trustees are directed to pay the proportion of the money, the said society is entitled to receive, on the order of the committee appointed by said society.

SEC. 4. That any person who has received a permanent lease, or is entitled to receive a permanent lease in consequence of building a valuable house or houses, shall be entitled to receive permanent leases, agreeably to the sixth section of the above recited act, whether the land adjoins the lot the house is built on or not.

SEC. 5. That the trustees aforesaid, shall each be entitled to receive one dollar and twenty-five cents, in lieu of the seventy-five cents allowed for each day they shall be necessarily employed under the authority of this act, or the act to which this act is an amendment.

This act to take effect, and be in force, from and after the first day of April next.



[Act of February 14, 1810, 8 v. p. 115.]

An act to amend the act, entitled "An act authorizing the leasing of certain lands in the county of Washington, granted for Religious purposes."

Preamble.

WHEREAS by the act, entitled "An act authorizing the leasing of certain lands in the county of Washington, granted for Religious purposes," it is provided that there shall be established a body politic and corporate, by the name and style of "The trustees for managing lands granted for Religious purposes, in the county of Washington," within the Ohio Company's Purchase, to consist of nine persons; and whereas it has been found that the number is too great and expensive: Therefore,

Trustees reduced to three.

SEC. 1. That after the first day of May next, the said corporation shall consist of three persons, instead of nine, to be appointed by the General Assembly; and the said corporation shall possess all the rights, privileges, and immunities conferred upon said corporation, by law, when it consisted of nine persons.

SEC. 2. That Thomas Stanley, John Sharp and Cornelius Houghland, be, and they are hereby appointed trustees, for the purposes expressed in the acts relative to the aforesaid corporation, in the room and stead of William Rufus Putnam, Joseph Buell, Cornelius Houghland, Haffield White, Joseph Wood, William Skinner, Return Jonathan Meigs, jun. William Nixon and Timothy Buell, the present trustees. The said trustees at their annual meeting in May next, may elect their clerk and treasurer, from without their body, and in like number forever after.

SEC. 3. That so much of the act, to which this act is amendatory, as comes within the purview of this act, be, and the same is hereby repealed.

This act to take effect, and be in force, from and after the first day of May next.

[Resolution of January 25, 1814, 12 v. L. O. p. 219.]

Resolved, That Timothy Buell, Esquire, be, and he is hereby appointed one of the trustees for managing lands granted for Religious purposes, in the county of Washington, within the Ohio Company's Purchase, in the room of John Sharp, Esquire, resigned.

[Act of April 15, 1803, 1 v. L. O. p. 61.]

An act to provide for the leasing of certain lands therein named.

SEC. 1. That the lands granted for the support of Schools in the several parts of the state, shall be let on lease for the purpose of improving the same, and thereby rendering them productive, that the profits arising therefrom may be applied to the support of Schools, according to the true intent and meaning of the original donation and the several laws of the United States, reserving, granting and appropriating the same.

SEC. 2. That all the lands lying within the United States' Military Tract, which have been appropriated for the use of Schools, shall be let to lease for any term not exceeding fifteen years, and that section number sixteen in all other parts of the state, (except such as have been heretofore leased by persons legally qualified to lease the same) and the sections that shall be located in lieu of such as have been sold or otherwise disposed of by the United States, so soon as they shall be selected by the secretary of the treasury, shall be let to lease for any term not exceeding seven years.

Improvements
required.

SEC. 3. That on each tract of land consisting of one hundred and sixty acres or more, there shall be required the following improvements, to wit: fifteen acres cleared and fenced in separate fields or parcels, one parcel or lot of which to consist of five acres, with all the timber and other wood cut and cleared off and sowed down in timothy or red clover seed, and another lot of three acres, cut and cleared in the same manner and planted with one hundred thrifty and growing apple-trees, and the remaining tract of seven acres cleared and prepared for cultivation in the ordinary manner of improving arable land: *Provided always*, That the person or persons to whom any of the said lands are leased, shall be obliged to complete the said improvements on all lands leased for fifteen years within the time of the first twelve years of the same, and on all lands leased for seven years within the time of the first five years of the said lease.

Proviso.

Governor to
appoint agents

SEC. 4. That it shall be the duty of the governor, and he is hereby required, to appoint suitable persons in the several counties or districts in the state, with full power and authority to lease the several tracts of land within his county or district, conformably to the terms and provisions of this act:

Proviso.

Provided always, That the agents or commissioners appointed as aforesaid, shall not lease out any of the said lands in tracts less than one hundred and sixty acres, nor larger than three hundred and twenty acres, except in cases of fractional sections: *And provided also*, That it shall be the duty of said agents or commissioners, before they proceed to lease any of the said lands, to make application to the surveyor general for a list of such part or parts of the same as have been leased under the authority of the United States, in their respective districts or counties.

Proviso.

Compensa-
tion.

SEC. 5. That each of the said agents shall be and is hereby entitled to receive for each lease, the sum of two dollars, to be paid by the said lessees respectively.

Agents' duty.

SEC. 6. That it shall be the duty of the several agents, within sixty days after being notified of their appointments, to give notice in one or more newspapers printed or in circulation in the county, or by advertisement set up in three or more public places, expressing the terms for which the lands within his county or district are to be leased, and he shall moreover enter in a book to be by him provided and kept for that purpose, the name of each person that shall apply for a lease, designating at the same time, the number and part of the section or tract applied for, and the term of years for which the applicant proposes to make the improvements required by the third section of this act, and in forty-two days after such application, if no other person shall apply for the same and propose to take a lease on a shorter term, the said agent shall proceed to make out a duplicate lease to the said first applicant, one part of which shall be retained in the

hands of the agent, but if any succeeding applicant shall propose to take the same for a shorter space of time, then and in that case, the lease shall be made to the person proposing to take the same on the shortest term: *Provided always*, That if two or more persons shall apply at the same time and on the same terms for any one tract, then the said agent shall determine by lot, in their presence, the priority of claim: *And provided also*, That leases shall be given to persons living on the land, if such persons shall apply for the same, on as short term as any other applicant, at any time within the forty-two days, notwithstanding such person shall not be the first applicant.

SEC. 7. That it shall be the special duty of the said agent, ^{Waste and trespasses prohibited.} to inspect and enquire into any waste or trespass that may be committed on any of the aforesaid lands, by cutting and carrying away timber or stone, or any other damage that may be done to the same whether by persons residing thereon or others; and the said agent is hereby authorized and required, where in his opinion any waste or trespass has been committed, to proceed against the person or persons committing said waste or trespass, according to law: *Provided al-* ^{Proviso.} *ways*, That no person residing on any of the said lands shall be liable to damages for cutting timber or removing stone for any necessary or useful improvement made on the same.

SEC. 8. That actions for waste or trespass, shall be sus- ^{Damages recovered, how applied.} tained by the agent and the damages recovered shall be one half to the use of such agent, and the other half to be applied to the same purposes as the nett proceeds of the land on which the damage was sustained, and the agent for those lands in the United States' Military Tract which are appropriated to the use of Schools in the county of Trumbull, shall receive such compensation for his services rendered in pursuance of the seventh section of this act, as the court of common pleas for said county of Trumbull shall allow to be paid out of the county treasury.

SEC. 9. That section number twenty-nine, in the several ^{Sec. 29, in Symmes' Purchase, to be leased as Sec. 16.} townships within judge Symmes' patent, shall be let to lease by the same persons, on the same terms and under the regulations and restrictions of the aforesaid sections number sixteen.

[Act of February 20, 1805, 3 v. L. O. p. 230.]

.An act directing the mode of leasing section numbered sixteen.

SEC. 1. That the right to lease section numbered sixteen ^{Section 16 to be leased by township trustees.} and equally distribute the nett proceeds arising therefrom, is vested in the trustees of the townships severally, in their

corporate capacity; and it is hereby made their duty, to see that the same be duly and impartially applied to the education of youths within the particular surveyed township of sixteen miles square or fractional part of a township, within which the section numbered sixteen is situated, from which any such nett proceeds may arise, in such manner that all the citizens resident therein may be equal partakers of the benefits thereof, agreeably to the true intent of the donation.

The sections
to be laid off
into lots.

SEC. 2. That the trustees shall, prior to their granting a lease for section numbered sixteen aforesaid, proceed to view and lay off the same, in lots of not less than eighty nor more than two hundred acres, and shall also advertise the same to be leased, in four of the most public places in the township, and also on the court-house door, at least thirty days before granting the lease, mentioning the time and place where applications will be received and when they will meet to execute the lease; and the trustees shall grant leases to those who make the most advantageous proposals: *Provided*, That no lease shall be granted for a longer time than fifteen years: *Provided nevertheless*, That nothing in this act shall be so construed as to prevent the trustees of any township from leasing any land heretofore leased, in tracts of the same quantity of acres, specified in their original leases.

Proviso.

Proviso.

Not to lease
more than one
lot to same
person.

SEC. 3. That the trustees shall not lease more than one lot to any one person, and the lessee shall be bound not to waste or destroy the timber or sugar camps thereon, and to make such improvements as the trustees may think proper.

When leases
expired, land
may be again
leased.

SEC. 4. That so soon as any lease heretofore legally given for section numbered sixteen, is expired, the trustees of the township shall proceed to view, lay off, advertise and lease the same, as herein before directed.

Act repealed
in part.

SEC. 5. That so much of the "Act for leasing certain lands therein named," as respects the leasing section numbered sixteen, passed April fifteenth, one thousand eight hundred and three, is hereby repealed.

Effect.

This act shall take effect and be in force, from and after the first day of June next.



[Act of January 22, 1806, 4 v. L. O. p. 33.]

An act for leasing section number twenty-nine, granted for Religious purposes.

Trustees to
lease sec. 29
in O. C's. &
J. Cleves
Symmes's Pur-
chase for 99
years, &c.

SEC. 1. That the trustees appointed by an act incorporating the original surveyed townships, be and the same are hereby authorized to lease out section number twenty-nine, granted for Religious purposes within the Ohio Company's Purchase, and in John Cleves Symmes' patent, (except the

county of Washington) for the term of ninety-nine years, renewable for ever; to be valued by three men of good repute, to be chosen by the trustees previous to their giving a lease: *Provided*, None of said land to be valued at less than one dollar per acre, subject to a revaluation, every fifteen years without taking into view the improvements made thereon by any lessee after the first valuation: *Provided*, That no land within the district of John Cleves Symmes' patent shall be valued for less than two dollars per acre. Proviso.

SEC. 2. That said trustees shall employ a surveyor to assist them, who shall proceed to lay off said section into lots of not less than eighty nor more than two hundred acres; said trustees shall, after giving thirty days notice by advertisement in three of the most public places in the township, proceed to lease said land to the best advantage for the citizens: *Provided*, That no lot be leased for less than six per cent. on its valuation, nor more than one lot to any one person. Trustees to employ a surveyor.
Proviso.

SEC. 3. That each regular religious society and their adherents, after giving themselves a name, shall appoint an agent, who shall forward a certificate to the trustees containing a list of their names, and numbers, specifying that they are citizens of said township, and the trustees shall pay over to said agent, an equal dividend of the rent (according to their numbers) within three months after it is received, to be appropriated to the support of religion, at the direction of each society, and the trustees shall each receive a sum not exceeding one dollar per day for the time they may be necessarily employed in doing the business of the above mentioned section, and they shall allow the surveyor a sum not exceeding one dollar and fifty cents per day for laying off said section into lots, to be paid out of the funds of said donation. Agents of religious societies to apply for dividend.

SEC. 4. That the trustees, agents or commissioners appointed to lease section number twenty-nine, granted for Religious purposes, within the Ohio Company's Purchase and in John Cleves Symmes' patent, shall give over all books and papers relating to (and pay over all nett proceeds of rents arising from) the leasing of section number twenty-nine, except as above excepted, to the trustees appointed by an act incorporating the original surveyed townships, or their successors in office, who shall receive the same, and collect all rents due thereon and see that the leases are complied with. One set of trustees to deliver books, &c. to another.

SEC. 5. That so much of an act, entitled "An act to provide for the leasing of certain lands therein named, passed the fifteenth day of April, eighteen hundred and three, as relates to number twenty-nine in John Cleves Symmes' patent, as is contrary to the provisions of this act is hereby repealed. Part of act repealed.

give over the books and papers in their possession, to their successors in office, as far as it respects section number sixteen.

Duty of trustees.

SEC. 6. That the trustees shall not lease more than one lot to any one person; and the lessee shall be bound not to waste or destroy the sugar trees or other timber, further than is necessary for improving thereon, and to make such improvements as the trustees may think proper; and the trustees shall examine the premises and see that they are left in good repair, and that the lease has been punctually complied with, and shall then proceed again to give leases, on the plan pointed out by the fifth section of this act, always giving a preference to the original lessee: *Provided*, he shall have complied with his former lease.

Proviso.

Rents how applied.

SEC. 7. That the trustees of each surveyed township, or fractional township aforesaid, shall apply the rents and profits arising from section number sixteen, to the special purpose for which it was intended; which rents, if paid in money, shall be collected by the treasurer, who shall not pay out any money so received, but upon the order of the trustees; and the treasurer shall keep a book, with fair and accurate entries of all monies received, together with a list of imbursements, and carefully file the vouchers relating thereto; which books and papers shall, at all times, be subject to the inspection of the trustees; but if the rents or profits arising, shall be paid in produce, it shall be deposited in such place, or disposed of in such manner by the trustees, as shall, in their opinion, be best calculated to promote the interest of the institution.

Townships may be laid out into districts.

SEC. 8. That the trustees are hereby authorized, so soon as they think it necessary, to lay off their township into convenient districts, and the same to alter or change, from time to time, as the interest of the citizens may require, for the purpose of establishing Schools therein; and each School thus established in the township, shall be entitled to receive an equitable dividend of the profits arising from their reserved section, according to the number of scholars, and in proportion to the time they have been taught therein.

When county line divides section, how to proceed.

SEC. 9. That every surveyed township or fractional township aforesaid, in this state, that has a county line running through the same, shall be considered, as it respects sections number sixteen and twenty-nine, in the same situation as though no such interference had taken place; and any suit or action, that may take place between the trustees in their corporate capacity, and individuals or bodies corporate, such action or suit shall be tried and determined in the county where the reserved section lies; and the officer appointed to serve process in such case, shall have full power to go any where throughout the township, in execution of his official duty, in the same manner, as though no such division line had ever existed.

SEC. 10. That the surveyor is entitled to receive one ^{Officers' fees.} dollar and fifty cents per day; and the trustees shall each receive seventy-five cents per day, for each day, they may be necessarily employed in the duties of their respective offices; and the treasurer and clerk shall receive such compensation, as the trustees may think proper, to be paid out of the funds of the institution.

SEC. 11. That the trustees shall lease out section or fractional section, number twenty-nine, granted by the Congress of the United States for Religious purposes, within the Ohio Company's and John Cleves Symmes' Purchase, (except all such sections, as are or may be provided for by any special act) for the term of ninety-nine years, renewable forever, to be valued by three men of good repute, to be chosen by the trustees, previous to their giving leases: *Provided*, None of said lands be valued at less than two dollars per acre, subject to a revaluation every fifteen years, without taking into view the improvements made thereon, except at the first valuation. ^{Section 29 in Symmes' Purchase, to be leased.}

SEC. 12. That said trustees shall, after giving thirty days ^{Notice to be} notice, by advertisement set up in three of the most public ^{given.} places in the township, proceed to lease said lands to the best advantage for the citizens: *Provided*, No lot be leased for less than six per cent. per annum, on its valuation, nor more than one lot, to any one person.

SEC. 13. That the rent arising from the reserved sections ^{Rents to be} and fractional sections, number sixteen and twenty-nine, shall ^{paid to treasurer,} be paid by the lessee or lessees, to the treasurer, as they may become due; and on failure of the payment, or for non-compliance with the conditions of the lease, the treasurer shall, when so directed by the trustees, bring a suit, in the name of the trustees, before any court having competent jurisdiction, ^{How collected.} and on final process, if no goods and chattels can be found, whereby distress can be made, or if mesne process cannot be served, upon return of the same, the trustees are thereupon authorized to re-enter upon the land of the delinquent or delinquents, and sell, at public vendue, his or their right and title in the said lease or leases, to satisfy such rent, damages and costs; in which case the trustees shall give twenty days previous notice of the time and place, where the said lease or leases will be sold, by advertising the same in three public places in the county, subjecting the purchaser or purchasers to the conditions contained in the lease or leases of the delinquent or delinquents; and in case the said lease or leases shall sell for more than the rent, damages and costs, the surplus shall be paid over to the delinquent or delinquents.

SEC. 14. That each and every denomination of Religious ^{Agents of each} societies and their adherents, after giving themselves a name, ^{society to receive dividend.} shall appoint an agent, who shall forward a certificate to the trustees, containing a list of their names and numbers, speci-

fyng that they are citizens of said township, and the trustees shall pay over to the agent, an equal dividend of the rent (according to their numbers) within three months after it is received, to be appropriated to the support of Religion, at the discretion of each society.

Trustees to deliver books &c. to successors.

SEC. 15. That the trustees shall give over all books and papers, relating to any of the reserved sections, sixteen or twenty-nine, and the treasurer shall pay over all money remaining in his hands, to their successors in office, and the trustees are required to see that the leases are complied with.

When sec. 16 has been disposed of, how to proceed.

SEC. 16. That in all cases where section number sixteen lying within any township or fractional township, has been disposed of by Congress, and any section given in lieu thereof, whether within or without such township, the electors residing within the township, for which said election is given, are hereby authorized to elect three trustees and one treasurer, agreeable to the provisions of the second section of this act; and the trustees so elected, are hereby authorized and required to lease such section, and apply the avails thereof, within the township for which it is given; and to proceed in all respects, in conformity to the provisions of this act, for leasing section number sixteen.

Donations for Schools to be leased in same manner.

SEC. 17. That any lands, other than those before mentioned in this act, given by any private individual or individuals to any legal or surveyed township, for the use of schools or religious purposes, may be leased under the provisions, regulations and restrictions of this act: *Provided always*, That when any gift or grant is made to any particular society or denomination, it shall be applied and appropriated, according to the intent and meaning of the donor or donors.

When there are not 20 electors, how to proceed.

SEC. 18. That whenever sections, number sixteen or twenty-nine, shall lie in a surveyed township as aforesaid, in which there shall not be twenty electors, then the trustees of the township in which such surveyed township shall lie, may lease the said sections, number sixteen and twenty-nine, and secure the rents arising therefrom, for the use of the inhabitants of said surveyed township, agreeable to the provisions of this act.

Acts repealed.

SEC. 19. That the act, entitled "An act to incorporate the original surveyed townships," passed January second, eighteen hundred and six, and the act, entitled "An act for leasing section number twenty-nine, granted for Religious purposes," passed January twenty-second, eighteen hundred and six, and the act, entitled "An act supplementary to the act, entitled "An act for leasing section number twenty-nine, granted for Religious purposes," passed December the twentieth, eighteen hundred and six, are hereby repealed.

This act shall be in force, from and after the first day of Effect.
May next.

[*Act of February 4, 1813, 11 v. L. O. p. 61.*]

An act to enable the trustees of the original surveyed township, number six, in the third range of townships, in Belmont county, to make a permanent lease for part of the School land in said township.

WHEREAS it has been represented to this General Assembly, Preamble.
by the inhabitants of the original surveyed township, number six, in the third range of townships, in Belmont county, that the School section number sixteen, in said township, is situate upon Wheeling creek and affords great advantages for water works; and whereas it is further represented to this General Assembly, by the inhabitants of said township, that Samuel Sharpless, John Kinsey and George Sharpless have erected a Carding Machine, upon part of said section, and wish to erect a Fulling Mill and other machinery for the manufacture of Woollen cloth; and whereas the inhabitants of said township have presented a petition to this General Assembly praying that a law may be passed, to enable the trustees of the said original surveyed township, to make to the said Samuel Sharpless, John Kinsey and George Sharpless, a permanent lease, for a part of said section, upon such conditions, and reserving such rents as shall be thought just and reasonable: Therefore,

SEC. 1. That the trustees of the original surveyed town- Lease may be
ship, number six, in the third range of townships, in Belmont granted.
county, be, and they are hereby authorized to make to Samuel Sharpless, John Kinsey and George Sharpless, their heirs and assigns, a lease for ninety-nine years, for two hundred and four acres of land, being a part of the School section number Quantity of
sixteen in said township, beginning at the southwest corner land.
of said section, and running thence north with the section line seventy poles to a stake; thence north sixty-three and three-fourths degrees east one hundred and twenty poles to a stake; thence north forty degrees east one hundred and twenty-four poles over the creek to a stake; thence south fifty degrees east seventy-four and one-fourth poles to a mulberry tree; thence south six and three-fourths degrees east ninety and a half poles to a stake; thence south eighteen and one-fourth degrees west twenty-two poles to a white oak; thence south forty-two degrees west sixty-eight poles to a stake; thence west with the section line one hundred and ninety-eight poles to the beginning; upon the conditions and reserving the rents herein after provided.

Appraisers to
be appointed.

SEC. 2. That before any lease shall be executed, the said trustees shall apply to the commissioners of Belmont county, who, upon such application, shall appoint three disinterested freeholders of Belmont county, not inhabitants of said original surveyed township, who shall, under oath or affirmation, affix a valuation upon said two hundred and four acres of land, and make report of such valuation in writing under their hands to the said trustees, and the rents reserved in said lease, shall be equal to six per centum per annum, upon said valuation and no more; and such lease shall also contain

Condition of
lease.

covenants on the part of the lessees to make all the improvements now required by law, to be made by lessees of School land, and not to commit or suffer to be committed any waste, and to deliver up the premises at the expiration of the lease in good order and all the buildings thereon in good repair.

Revaluation
to be made.

SEC. 3. That the lease so to be executed shall contain a provision, that at the end of every thirty-three years, from the execution thereof, there shall be a revaluation of the premises aforesaid, made by three freeholders of the county of Belmont, not inhabitants of said original surveyed township, to be appointed by the commissioners of the county, upon the application of the trustees or the lessees then in possession, agreeable to the rates of unimproved land of the same quality and possessing similar advantages in the same neighborhood; and from and after every such valuation the rents, for the thirty-three years next ensuing, shall be six per centum per annum, upon such valuation, and shall be so endorsed upon said lease, and shall be sued for and recovered in the same manner as the rents reserved in the original lease.

Conditions
which, if not
fulfilled, an-
nul this act.

SEC. 4. That if the said Samuel Sharpless, John Kinsey and George Sharpless their heirs or assigns shall not, within one year from the passage of this act, surrender up to the trustees, who are hereby authorized to accept the same, the lease under which they now hold the aforementioned two hundred and four acres of land, and accept, and on their part execute a lease, in pursuance of the provisions herein contained, then this act shall cease and be of no effect; and if the said Samuel Sharpless, John Kinsey and George Sharpless, their heirs or assigns, shall not, within four years next ensuing the date of the lease so to be executed, erect and complete on said premises, a good Fulling Mill, then the said lease shall become void and of no effect, and all the powers herein granted shall cease and determine.

What negli-
gence will
work a for-
feiture of
lease.

SEC. 5. That if at any time the said Samuel Sharpless, John Kinsey and George Sharpless, their heirs or assigns, shall omit or neglect, for the space of four years, to keep a good Fulling Mill in repair upon said premises, their estate in said premises shall be forfeited, and the trustees of the said original surveyed township shall dispose of the same as

though this act and the estate created under it had never been made.

Sec. 6. That the rents to be reserved upon said lease shall be collected and recovered by suit or distress, in the same manner as rents in other cases shall be recoverable, at the time the said rents shall become due.

[Act of February 11, 1814, 12 v. L. O. p. 174.]

An act to enable the trustees of the original surveyed township, number three, in the eighth range, in the county of Washington, and the trustees of the original surveyed township number six, in range fourteen, in Gallia county, to grant permanent leases of the School sections in said townships.

Sec. 1. That the trustees of the original surveyed township, number three, in the eighth range, in Washington county, are hereby empowered to appoint three disinterested freeholders, who are not inhabitants of said township, whose duty it shall be to meet on said section, on a day appointed by said trustees, and after having taken an oath before some justice of the peace for the faithful performance of their duty, shall proceed to appraise and value any lots that now are, or that may hereafter be laid off, taking into view the improvements thereon (the buildings excepted) and make return thereof to the trustees within five days after such valuation shall have been completed. And the said trustees shall lease said lots to such persons as may apply, for the term of ninety-nine years, subject to an annual rent of six per cent. on the valuation, and subject also to a revaluation at the expiration of every term of thirty-three years, chargeable with the same per centage on each succeeding valuation: *Provided nevertheless*, That the present lessees shall in all cases have the preference, where they shall have complied with the conditions of their respective leases, any law to the contrary notwithstanding: *And provided also*, That nothing in this act contained, shall be so construed as to require any of the present lessees against his, her or their full and free assent, to give up or relinquish any right, interest or estate, which such lessee or lessees may have in or to any part of said section, by virtue of any lease or leases which may have been granted previous to the taking effect of this act.

Appraisers to value lot and make return.

Trustees to lease lots after valuation.

Proviso.

Proviso.

Sec. 2. That the said trustees are hereby authorized and empowered to remove, by due course of law, all persons occupying said lands, in case such persons refuse or neglect to take such leases within three months after the expiration of their present leases; and if the said lessees refuse or neglect to pay the aforesaid per centage or rent yearly and every year to the treasurer of said township, it shall be the duty of

Trustees to remove tenants.

Payment of
rents how en-
forced.

the trustees to sue for, and recover such rent out of the goods and chattels of the delinquents, together with damage and costs of suit; and if no goods and chattels can be found, the trustees are hereby empowered to re-enter upon the land, and the improvement shall be sold at public vendue to satisfy such rent and costs; and in case the improvements should sell for more than the rent and costs, or there be only a part sold, the overplus, if in money, shall be paid over; and if in lands, shall again be leased to the delinquent.

Authority given to trustees in Gallia county.

SEC. 3. That the trustees of the original surveyed township, number six, in range fourteen, Gallia county, shall have the same power and authority as to section number sixteen, in the township last mentioned, and may grant leases for the same, in the same manner and for the same time, subject to the same conditions, restrictions, revaluations and provisions as is herein enacted and provided, with regard to section number eight, in township number three, in the eighth range, in the county of Washington.

[Act of January 30, 1815, 13 v. L. O. p. 106.]

An act to enable the trustees of the original surveyed township number six, range number ten, in Champaign county, to make a permanent lease for part of the School land in the said township.

Preamble.

WHEREAS it has been represented to this General Assembly, by the inhabitants of the original surveyed township, number six, in the tenth range, in the county of Champaign, that the fractional School section, number sixteen, in said township, is situate on the east branch of Buck creek, and affords the advantage of a mill seat, and that George Dawson is in the possession of part of a fifteen years lease, held by his father, Henry Dawson, on the aforesaid fractional School section, and that the said George has built a saw-mill, and wishes to erect a grist-mill, on part of said tract of School land; and whereas the inhabitants of said township have presented a petition to this General Assembly, praying that a law may be passed to enable the trustees of the said original surveyed township, to make to the said George Dawson, a permanent lease for a part of said section, upon such conditions and reserving such rents as shall be thought just and reasonable: Therefore,

Lease to be granted for part of sec. 16, to G. Dawson.

SEC. 1. That the trustees of the original surveyed township number six, in the tenth range, in the county of Champaign, be, and they are hereby authorized to make to George Dawson, his heirs or assigns, a lease for ninety-nine years, for forty acres and two-tenths of an acre, being a part of the fractional School section, number sixteen, in said township: be-

beginning at the southwest corner of fractional section, number sixteen; thence east with the section line two hundred and twelve poles to the military line; thence with said military line north twenty west, crossing the east branch of Buck creek, twenty-two poles to a stake; thence down said creek, with its meanders, west fifty-six poles; thence north seventy-two west, thirty-five poles; thence north eighty-four west, thirty-two poles; thence north four poles; thence north sixty-eight west, thirty-four poles; thence south forty-four west, fourteen poles; thence south eighty-two west, forty poles to the section line; thence with said line south, crossing the east branch of Buck creek again, thirty-five poles to the place of beginning, upon the conditions and reserving the rents herein after provided. Boundaries.

SEC. 2. That before any lease shall be executed, the said trustees shall apply to the commissioners of Champaign county, who upon such application, shall appoint three disinterested freeholders of said county, not inhabitants of said original surveyed township, who shall, under oath or affirmation, affix a valuation upon said forty acres and two-tenths of an acre of land, and make report of such valuation, in writing under their hands, to the said trustees, and the rents reserved in said lease, shall be equal to six per centum per annum upon said valuation, and no more; and such lease shall, also, contain covenants on the part of the lessee, not to commit unnecessary waste, and to deliver up the premises at the expiration of the lease in good order, and all the buildings thereon in good repair. Land to be valued.
Conditions of lease.

SEC. 3. That the lease so to be executed, shall contain a provision, that at the end of every thirty-three years from the execution thereof, there shall be a revaluation of the premises aforesaid, made by three freeholders of Champaign county, not inhabitants of said original surveyed township, to be appointed by the commissioners of the county, upon the application of the trustees or the lessee then in possession of the premises, agreeable to the rates of unimproved land of the same quality, and possessing similar advantages, in the same neighborhood; and from and after every such valuation, the rents for the thirty-three years next ensuing, shall be six per centum per annum upon such valuation, which shall be so endorsed upon said lease, and shall be sued for and recovered in the same manner as the rents are in cases of other reserved School lands. Revaluation when to be made.

SEC. 4. That if the said George Dawson, his heirs or assigns, shall not within one year from the passage of this act, accept of, and execute on his or their part, a lease in pursuance of the provisions herein contained, then this act shall cease and be of no effect; and if the said George Dawson, his heirs or assigns, shall not within five years next ensuing the date of the lease so to be executed, erect and complete on Upon what conditions the lease to be void.

said premises, a good grist-mill, then the said lease shall become void and of no effect; and all the powers herein granted shall cease and determine.

Lease may be
forfeited.

SEC. 5. That if at any time the said George Dawson, his heirs or assigns, shall omit or neglect for the space of three years, to keep a good grist-mill and saw-mill in repair, upon said premises, his or their estate in said premises, shall be forfeited; and the trustees of the said original surveyed township, shall dispose of the same as though this act, and the estate created under it, had never been made.

[*Act of February 16, 1815, 13 v. L. O. p. 288.*]

An act to enable the inhabitants of the third township of the seventh range, in the county of Washington, to grant permanent leases for School section number sixteen.

Trustees may
be elected.

SEC. 1. That the inhabitants of the third township, in the seventh range, in the county of Washington, are hereby authorized to meet on the first Monday of May next, at the house of Samuel Dye, esquire, of said township, then and there between the hours of ten o'clock, A. M. and four o'clock, P. M. to elect three trustees, a clerk and treasurer, which election shall be conducted as near as circumstances will admit, in the same manner in which township officers are elected, which trustees, clerk and treasurer, shall remain in office one year, and until others are elected and qualified; and forever afterwards the election of the said officers shall be held on the first Monday of May, annually, conducted as directed in this section.

Trustees in-
corporated.

SEC. 2. That the said trustees, clerk and treasurer, and their successors in office, shall be a body politic and corporate, capable of suing and being sued, pleading and being impleaded, and shall have all rights and privileges necessary for the purposes of their institution, and to conduct all matters and things appertaining to the management of School section number sixteen, in said township.

Trustees'
duty.

SEC. 3. That the said trustees, after being duly sworn to discharge with fidelity, the duties of their appointment, shall proceed, within ten days after their election, to select three disinterested freeholders, who shall not be inhabitants of said township, whose duty it shall be to meet on said School section, on a day to be appointed by said trustees, and taking to their assistance a skilful surveyor, proceed to lay off said section into lots of not less than forty, nor more than one hundred and sixty acres, a plat of which survey shall be left with the clerk; and the said freeholders shall appraise each lot so laid off, as near as may be in their opinion to its just value, and make return of such survey and valuation within ten

days after such survey and valuation shall have so been made; and the said trustees shall lease said lots to such as may first apply, for the term of ninety-nine years, renewable forever, subject to a revaluation every thirty-three years; for which the said lessees, shall pay a rent of six per cent. per annum, on each valuation: *Provided however*, That the buildings and improvements shall not be taken into any such revaluation.

SEC. 4. That if the said lessees or any of them shall neglect or refuse to pay the above named per centage or rent, yearly and every year, to the treasurer of said township, it shall be the duty of said trustees to sue for and recover such rent, out of the goods and chattels of the delinquent, together with damages and costs of suit; but if no goods and chattels are to be found, the said trustees are hereby empowered to re-enter upon such lot: and on giving thirty days notice in three of the most public places in said township, to sell the improvements, if any there be, to the highest bidder, at public vendue; and if the improvements shall sell for more than the rent due, together with damages and costs, the overplus shall be paid over to the delinquent, and if no improvements are made, the land shall be leased to another.

Rents, how re-
covered.

SEC. 5. That the treasurer shall give bond, with security in such sum as the trustees may direct, conditioned for the faithful paying over all monies collected, or by him received for the use of said township; and the said trustees shall apportion the nett proceeds of said School section, equally among the different School districts in said township (if more than one) in proportion to their numbers.

Rents, how
divided.

SEC. 6. That the said trustees for the time being are hereby authorized and empowered to remove, by due course of law, any or all persons settling on said School section without complying with the conditions of this act, and to prosecute for and recover damages of any person or persons trespassing by cutting timber or otherwise injuring said School section.

Trespassers
may be sued,
&c.

This act to take effect and be in force from and after the first day of April next.

[Act of January 14, 1808, 6 v. L. O. p. 10.]

An act for the benefit of Horris Parsons and John Sweat.

WHEREAS Horris Parsons and John Sweat, are desirous to build a mill on section number sixteen, in the tenth township and fourteenth range, in the Ohio Company's Purchase: Therefore,

Preamble.

SEC. 1. That the commissioners of the county of Athens, are hereby authorized and required, to examine and view the

Comm'rs. of
Athens coun-
ty may lay off
a lot.

northeast corner of section number sixteen, in the tenth town-
ship and fourteenth range of the Ohio Company's Purchase,
and the same to appraise at its present, real value (consider-
ing the same in an uncultivated state) and lay, or cause to be
laid off, eighty acres, at the aforesaid northeast corner of the
above described section, in a convenient form, so as to include
the mill seat, now occupied by said Parsons and Sweat.

May make a
lease.

SEC. 2. That the said commissioners are hereby authorized
and required, after appraising and surveying said land, to
lease it to Horris Parsons and John Sweat, their heirs and
assigns, for the term of fifteen years, renewable forever: the
said Horris Parsons and John Sweat, their heirs, or assigns,
paying therefor, yearly and every year, interest at six per
centum, on the appraised valuation; the proceeds of which
are to be applied in the manner pointed out by the act, en-
titled "An act incorporating the original surveyed town-
ships," passed January 2d, 1806: *Provided however*, That the
above described tract of land shall be subject to a revalua-
tion, at the end of every fifteen years, by the said commis-
sioners, or their successors in office, (not taking into consi-
deration the mills and buildings) and the lease renewable at
the rate of six per centum per annum, at every subsequent
appraisal: *And provided also*, That the said Horris Parsons
and John Sweat, their heirs or assigns, shall defray the ex-
penses of carrying the provisions of this act into effect.

Proviso.

Proviso.

Effect.

This act to be in force from and after the passage thereof.



[Act of February 20, 1808, 6 v. L. O. p. 151.]

An act for the benefit of Henry Barrows.

Authorized to
build a mill
dam on sec.
16.

SEC. 1. That Henry Barrows, his heirs and assigns, are
hereby authorized and empowered to build a mill-dam across
part of Hockhocking river, on section number sixteen, in the
thirteenth range, and fifth township, in the Ohio Company's
Purchase, opposite a small island in Hockhocking river, and
lying in said section number sixteen, which said dam and mill
afterwards to be erected, is hereby vested in the said Henry
Barrows, his heirs, and assigns: *Provided*, That the said Hen-
ry Barrows, obtain the permission of the person to whom the
same may be leased.

Proviso.

Comm'rs. of
Athens co.
may lay off
lot

SEC. 2. That the commissioners of the county of Athens,
are hereby authorized and directed to survey, or cause to be
surveyed, and laid off to the said Henry Barrows, five acres
of land so as to include said mill seat, and the same to ap-
praise at its present value, and lease the same to the said
Henry Barrows, on an annual rent of six per centum per an-
num, on the appraised valuation, for the term of ninety-nine

years, renewable forever, subject to a revaluation at the expiration of every ten years, by the said commissioners, or their successors in office, without taking into view the mill and buildings thereon situated; and the rent shall be paid to the treasurer appointed, for that purpose, in pursuance of an act, entitled "An act to incorporate the original surveyed townships," passed 2d January, 1806, and to be applied as is therein specified.

SEC. 3. That the said Henry Barrows, shall not in the least obstruct the navigation of said river, on the opposite side of said island, where the mill is to be built; and shall be liable to the action of any person, thinking himself aggrieved by any infringement of the provisions of this section, in any court having competent jurisdiction in the said county of Athens. Navigation not to be obstructed.

This act shall be in force from and after the passage thereof. Effect.

—•••—

[Act of January 11, 1812, 10 v. L. O. p. 29.]

An act authorizing the trustees of the incorporated township No. 2, in range No. 6, to lease to William George a lot of land in section No. 16, of said township.

SEC. 1. That the trustees of the incorporated township number 2, range number 6, east of a line drawn from the mouth of the Great Miami river, shall be, and they are hereby authorized to lease, by permanent lease of ninety-nine years, to William George, of Montgomery county, his heirs or assigns, one lot of land, containing not more than eighty acres, in section number sixteen, of said township, for the purpose of erecting a mill-dam and digging a race or canal through the said lot. Lease allowed to W. George.

SEC. 2. That the said trustees shall survey or cause to be surveyed and laid out the said lot of land, in such manner and form as they shall deem best, and shall choose three disinterested freeholders, not being residents of said township, who, being first duly sworn, shall meet on a day to be appointed by the trustees, and proceed to view and appraise the said lot of land, and shall make report in writing of the appraised value thereof to the said trustees, within ten days thereafter, who shall lease the said lot of land at an annual rent of not less than six per centum per annum on the appraised value. Surveyor and appraisers to be appointed.

SEC. 3. That the said William George, in the erection of said mill-dam, shall be subject to the conditions, restrictions and penalties prescribed by the act, entitled "An act to regulate the navigation of the Great Miami and its main branches,"* passed January twenty-eighth, one thousand eight W. George to be regulated by a certain act.

*See this act 9 v. L. O. p. 65.

hundred and eleven, and to such other regulations as any future legislature may think proper to make.

[*Act of February 11, 1812, 10 v. L. O. p. 73.*]

An act authorizing the trustees of the fractional School sections number sixteen, in township number one, of the second entire range, and in township number two of the third range, Miami Purchase, to grant permanent leases for a mill seat and lot of land in each of the sections aforesaid.

Trustees may
lay out a lot.

SEC. 1. That the trustees appointed to superintend the leasing of the fractional section number sixteen, granted by Congress for the use of Schools lying on the great Miami river, in township numbered one, in the second entire range of townships, between the two Miami rivers, be, and they hereby are authorized and empowered to survey or cause to be surveyed, and laid out, such a lot of land adjoining the mill seat on said fractional section (not exceeding eighty acres) as shall, in their opinion, be most advantageous and convenient for erecting a mill-dam, cutting a race or canal, and building a grist-mill thereon.

Appraisement
of lot, &c.

SEC. 2. That the said trustees shall choose three disinterested freeholders (not citizens of said township) to appraise and value said mill seat and lot, laid off as aforesaid; and the appraisers so chosen, after having taken an oath or affirmation, before some justice of the peace for the faithful performance of their duty, shall, on a day certain, named by said trustees, proceed to appraise and value said mill seat and lot, and make return thereof, in writing, within eight days after such appraisement shall have been completed.

Lease may be
granted.

SEC. 3. That the said trustees shall grant a permanent lease of said mill seat and lot (after having given one month's previous notice, by advertisement, set up in three of the most public places around, or in a newspaper in general circulation in that neighborhood) to such person or persons as may apply for the same, and make the most advantageous proposals, for the term of ninety-nine years, renewable forever, subject to an annual rent of six per centum on the valuation: *Provided*, That the lessee or lessees shall enter into bond, with sufficient securities, to the trustees and their successors in office, conditioned that the said lessee or lessees will erect a grist mill on said lot or lots, or near thereto, within three years after the grant of such lease: *And provided also*, That nothing herein shall be so construed as to interfere with any lease which may at present be held of such lot.

Proviso.

Proviso.

Another lot
may be leased.

SEC. 4. That the trustees for the School fractional section, numbered sixteen, in the second township and third entire range of townships, between the two Miami rivers, be,

and they hereby are authorized to survey, or cause to be surveyed, a lot of land adjoining the mill seat on said fraction (not exceeding eighty acres;) which lot and mill seat they shall cause to be valued, advertised, and grant a permanent lease therefor, for the same term, and under the same conditions as is provided in the three preceding sections of this act, for valuing, advertising, and leasing the lot and mill seat on number sixteen, in township number one, in the second entire range, and subject to the same provisos: *And provided also,* That both mill-dams shall be subject to all the regulations which are or shall hereafter be made, respecting mill-dams on the Great Miami river. Proviso.

This act to take effect, and be in force, from and after the first day of April next. Effects

[Act of February 9, 1808, 6 v. L. O. p. 96.]

An act to authorize the town council of Marietta, to grant permanent leases of section number sixteen in said town.

SEC. 1. That the town council of Marietta, be authorized and empowered, and it is hereby made their duty, previous to the first day of March next, to divide and lay out the School lot or section number sixteen, in the second township of the eighth range, in the county of Washington, into such lots or parcels, as in their opinion shall be most convenient, and tend best to accomplish the object of the donation. Section 16 to be laid out into lots.

SEC. 2. That the town council of Marietta, shall choose three disinterested freeholders, who shall not be citizens of said township, to appraise and value said lots or parcels, and the appraisers so chosen, shall, after having taken an oath before some justice of the peace, for the faithful performance of their duty, proceed to appraise and value said lots or parcels taking into view the improvements thereon, (the buildings excepted) and make return thereof within five days after such valuation shall have been completed; and the said town council shall lease said lots or parcels, to such persons as may apply, for the term of ninety-nine years, renewable forever, subject to an annual rent of six per cent. on the valuation, and subject also to a revaluation, at the expiration of every term of ten years, chargeable with the same per centage on each succeeding valuation: *Provided nevertheless,* That the present lessees shall in all cases have the preference where they shall have complied with the conditions of their respective leases, any law to the contrary notwithstanding. Valuation and lease. Conditions.

SEC. 3. That the said town council are hereby authorized and empowered to remove, by due course of law, all persons occupying said lands, in case such persons refuse or Lessees may be removed.

neglect to take such leases within three months after the expiration of their present leases, and if the said lessees refuse or neglect to pay the aforesaid per centage or rent, yearly and every year, to the treasurer of the township of Marietta, it shall be the duty of the town council to sue for and recover such rent out of the goods and chattels of the delinquent, together with damage and costs of suit; and if no goods and chattels can be found, the town council are hereby empowered to re-enter upon the land, and the improvement shall be sold at pulic vendue to satisfy such rent and costs, and in case the improvement should sell for more than the rent and costs, or there be only a part sold, the overplus, if in money, shall be paid over, and if in lands, shall again be leased to the delinquent.

Effect. This act shall take effect, and be in force, from and after the passage thereof.



[*Act of January 22, 1811, 9 v. L. O. p. 44.*]

An act to amend the act, entitled "An act to authorize the town council of Marietta, to grant permanent leases of section number sixteen, in said town."

Trustees may sue for rents. SEC. 1. That the trustees elected by the inhabitants of the second township of the eighth range, agreeably to the provisions of the act, entitled "An act to incorporate the original surveyed townships," shall be, and they are hereby authorized and required to sue for, and recover the rents arising from section number sixteen, in said second township, in the same manner as the town council of Marietta might have done under the provisions of the act, to which this act is an amendment, and their proceedings in the premises shall be regulated by the third section of said act.

Treasurer's duty and compensation. SEC. 2. That it shall be, and it is hereby made the duty of the treasurer of the town of Marietta, to pay over all money that he may from time to time receive, under the provisions of the above recited act, for rent of said section number sixteen, upon the order of the aforesaid trustees, and shall adjust and settle his accounts, relative to said rent, in the month of December, annually, and the said trustees shall allow the said treasurer, in settlement, four per cent. on all money by him received and paid over.

Parts of act repealed. SEC. 3. That such parts of the act to which this is an amendment, as come within the purview of this act, be, and the same are hereby repealed.

Effect. This act to take effect, and be in force, from and after the first day of June next.

[Act of February 20, 1812, 10 v. L. O. p. 162.]

An act to amend the act, entitled "An act to authorize the town council of Marietta, to grant permanent leases of section number sixteen, in said town."

SEC. 1. That the trustees of School section number six-Trustees to
teen, in township two, and range eight, in the county of choose ap-
Washington, shall from time to time, as may be required, praisers.
choose three disinterested freeholders, who shall not be citi-
zens of the town of Marietta, to appraise and value the lots
on said section, and the appraisers so appointed, shall, after
being sworn by some justice of the peace, faithfully to per-
form their duty, proceed to appraise and value any lot or lots,
the legal holder or holders whereof may desire to have valued,
without taking into consideration any buildings or orchards
thereon, which may have been erected or let out by any per-Improvements
son or persons holding under the existing leases; which ap- not to be ap-
praisal shall be made at the expense of such as may desire praisers.
such appraisal to be made.

SEC. 2. That on the report of said valuation being made Trustees to
to the trustees aforesaid, they shall forthwith thereafter pro- give leases.
ceed to make out leases to such of the present occupiers or
holders of said lots as may require the same, and at the ex-
pense of such legal holders respectively, for the term of nine-
ty-nine years, at an annual rent of six per cent. on the ap-
praisal, which rent shall not be increased nor diminished dur-
ing the thirty years next succeeding the dates of said leases
respectively, at which time a revaluation of each tract or
lot so holden shall be made, and from such time until the
residue of the term shall have expired, no further revalua- Revaluation
tion shall take place, and the rent shall then be at the rate to take place
of six per cent. per annum, on the last appraisal. in 30 years.

This act to take effect, and be in force, from and after the Effect.
first day of March next.

[Act of February 9, 1809, 7 v. L. O. p. 192.]

An act for leasing sections sixteen and twenty-nine, in fractional townships
within the Ohio Company's Purchase.

SEC. 1. That the inhabitants of each and every fractional Sections 16
township within the Ohio Company's Purchase, are hereby and 29 to be
authorized to proceed to lease sections number sixteen, leased.
granted for the support of Schools, and sections number
twenty-nine, granted for Religious purposes, in the same
manner, as is already pointed out by law, for leasing the said
sections, any want of the number of electors, required by
the act, entitled "An act to incorporate the original surveyed
townships," to the contrary notwithstanding; and whenever

any of said sections do not contain one hundred and sixty acres, the trustees aforesaid may lease the same, in such small tracts as they may think most advisable.

Effect.

This act shall take effect, and be in force, from and after the passage thereof.

[Act of February 20, 1809, 7 v. p. 165.]

An act supplementary to an act for leasing sections Nos. sixteen and twenty-nine, in fractional township, within the Ohio Company's Purchase.

Payment required of lessees.

SEC. 1. That no person who is, or hereafter may be, possessed of any of that part of section number twenty-nine which is included within the town of Marietta, shall be compelled to pay, per annum, to the trustees for managing lands granted for Religious purposes in the county of Washington, within the Ohio Company's Purchase, for rent, more than nine dollars per acre, or in that proportion for a larger or smaller quantity than one acre; any thing in any lease or former law to the contrary notwithstanding.

Persons may have a lease.

SEC. 2. That every person or persons, who is or may be possessed of any of the land aforesaid, shall have a right to demand and have of the trustees aforesaid, a lease therefor, either for ninety-nine years, or for ten years, as heretofore, renewable to the lessee, or his executors, administrators, or assigns, forever, which lease shall specify the sum or sums payable yearly therefor; and in affixing the sum, the trustees shall have particular reference to the situation and value of the said land, proportioning the rent to the value, under the restrictions herein above mentioned, according to the laws heretofore in force: *Provided always*, That nothing herein contained, shall be so construed as to enable the trustees to give a lease or leases for any land heretofore reserved for streets, county purposes or commons, or to compel them so to lease any land reserved for a meeting-house, woodland, or which may heretofore have been, or hereafter may be forfeited for non-compliance with covenants in the said leases; and in all cases where old leases have been given, the said trustees may require the production of such leases, that they may be destroyed, before they shall be compellable to give a new lease for the same tract or tracts.

Conditions.

Proviso.

Effect.

This act to take effect and be in force, from and after the passage thereof.

[*Act of February 9, 1808, 6 v. L. O. p. 113.*]

An act for leasing section number twenty-nine, adjoining Galliopolis in the county of Gallia.

SEC. 1. That the electors resident on fractional township ^{Trustees and} number three, in the fourteenth range, shall assemble in the ^{treasurer} town of Galliopolis, at the court-house, on the first Monday of ^{elected.} March, biennially, the first meeting to be on the first Monday of March next ensuing, between the hours of eleven o'clock, A. M. and 3 o'clock, P. M. then and there to elect three trustees, and one treasurer, to perform the duties required by this act, the election to be conducted in the same manner as elections for township officers.

SEC. 2. That the trustees and treasurer thus elected, shall severally take an oath or affirmation before any justice of the peace or associate judge, to discharge with fidelity the duties of their respective offices, and when thus organized the said trustees or any two of them, shall appoint a clerk, who may or may not be of their own body, and the said clerk shall, after being duly sworn to discharge the duties of his office with fidelity, keep a fair and accurate record of the proceedings of the said board, in a book or books to be provided for that purpose.

SEC. 3. That the trustees and treasurer shall hold their offices two years, and until their successors are chosen and qualified; and it shall be the duty of the clerk of said board to demand and receive from the trustees, for managing lands granted for Religious purposes, and for the support of Schools in the county of Washington, within the Ohio Company's Purchase, all leases by them executed for the part of the fractional mile lot, number twenty-nine, in township number three, in range number fourteen, in the county of Gallia.

SEC. 4. That the trustees aforesaid shall appoint a skilful surveyor to lay off said fractional mile lot into such lots as they shall direct him; and also they shall appoint three freeholders living in the county of Gallia, who after being duly sworn before a proper officer to discharge their duties, shall proceed to value the several lots surveyed and laid out as above mentioned; and they shall make a report of their said valuation in writing forthwith to the trustees aforesaid: *Provided*, That none of the said land shall be valued at less than two dollars per acre, subject to a revaluation every fifteen years, without taking into view the improvement made thereon by any lessee after the first valuation.

Sec. 5. That the said trustees be, and they are hereby authorized to lease out to each person holding a lease from the trustees for managing land granted for Religious purposes, and for the support of Schools in the county of Washington, such part of the aforesaid mile lot number twenty-nine, for

Proviso.

the term of ninety-nine years, renewable forever, as specified in their leases: *Provided*, That where any person holds more than one tract or lot of land, he will be entitled to have the whole amount of acres including in all the leases legally belonging to him in one lease, so it does not exceed in the whole, one hundred and fifty acres: *Provided*, That no lot shall be leased for less than six per centum on its valuation.

Surveyors to lay out streets, &c.

Trustees may grant leases.

Proviso.

Payment of rents, &c.

How enforced

SEC. 6. That the trustees aforesaid be, and they are hereby authorized to cause and direct the surveyor by them appointed agreeably to the provisions of this act, to lay out such streets or roads through the aforesaid mile lot, as they shall deem necessary for the convenience of the lessees, and the public in general: also to grant to each lessee such quantity of unimproved land as they shall judge necessary, and sufficient for fencing timber, and other necessities on said land; and the balance of said fractional mile lot, the said trustees are hereby authorized to lease out for the term of ninety-nine years to any persons applying therefor, into lots not exceeding eighty acres in the same manner as heretofore mentioned; and the said trustees are hereby authorized to lease out for the term of years above mentioned, all such tract of improved land not claimed by any persons on or before the first day of April next: *Provided*, That thirty days notice by advertisement in three of the most public places in the town of Galliopolis will be given, specifying in the said notice what lands are so to be let out.

SEC. 7. That the rent of the land aforesaid shall be paid by the lessee to the treasurer above mentioned, on or before the first day of April annually; the first payment to be on the first day of April, one thousand eight hundred and ten: on failure of the payment it shall be the duty of the treasurer aforesaid, when so directed by the trustees, to bring a suit in the name of the said trustees before the proper court having cognizance thereof, and on final process if it is found that no goods and chattels can be found whereby distress can be made, or if the mesne process cannot be served, upon the return of the same, the trustees are thereupon authorized to re-enter upon the land of the delinquent, and sell at public vendue his right and title in said lease, to satisfy such rent and costs in which case the said trustees shall give twenty days previous notice of the time and place where the said lease will be sold, subjecting always the purchaser to the conditions contained in the lease of the delinquent, and in case the said lease should sell for more than the rent and costs, the surplus shall be paid over to the delinquent.

What persons entitled to dividend.

SEC. 8. That each regular Religious society and their adherents, residing in said surveyed township, after giving themselves a name, shall appoint an agent who shall forward a certificate to the trustees, containing a list of their names and number specifying that they are electors of said township,

and the trustees shall pay over to said agent an equal dividend of the rent according to their number within three months after collected, to be appropriated to the support of Religion at the discretion of each society.

SEC. 9. That the trustees, treasurer, clerk, surveyor and appraiser shall receive for their services under this act, the following sums, viz: For every day necessarily employed on said business, to the surveyor, one dollar and fifty cents per day; each chain-carrier and marker, seventy-five cents per day; the appraisers, each one dollar per day; and the treasurer five per centum on all monies he shall receive; the trustees one dollar per day, and their clerk such compensation as said trustees may think proper to allow him. The expenses of surveying, laying out and leasing the fractional section aforesaid shall be paid by the lessees in such proportion as the trustees shall apportion, and all the expenses afterwards shall be paid out of the funds arising out of the leases by orders drawn on the treasurer by the said trustees.

SEC. 10. That should there be any dispute whether the money aforesaid is distributed agreeably to the provisions of this act, the society or societies who may think themselves aggrieved by the decision of the trustees, may appeal from such decision to the court of common pleas of Gallia county, which appeal shall be entered with the clerk of the trustees, within fifteen days after such decision is made public; and the clerk is required to certify such decision with all the proceedings had thereon, to the next court of common pleas, and the said court is authorized and required to hear and determine such matter in dispute, and certify their determination to the clerk of the trustees, which determination shall be final, and the distribution made accordingly.

This act to take effect, and be in force, from and after the passage thereof.

[Act of February 14, 1815, 13 v. L. O. p. 305.]

An act to provide for the permanent leasing of section number sixteen, in the fourth township, fourteenth range, in the county of Gallia.

SEC. 1. That whenever three or more of the present lessees of section number sixteen, in the fourth township, and fourteenth range, granted by Congress for the use of Schools, shall apply to the court of common pleas, for the county of Gallia, for the purpose of having their leases extended, such court on such application being made in writing, shall proceed to appoint three discreet and disinterested freeholders, not residing within the original surveyed township aforesaid, which persons so appointed shall proceed, on oath or affirma-
Court so appointed point appraisers.

tion, to appraise the several lots leased to such applicants, in which valuation the appraisers shall not take into view any buildings or orchards on said lots, and the appraisement so made shall be committed to writing, signed by the appraisers and by them delivered to the trustees of the township, to be recorded by their clerk; and each of such appraisers shall be entitled to receive one dollar and twenty-five cents, for each and every day employed in appraising such land, to be paid by the persons making such application.

Trustees to
make leases.

SEC. 2. That the trustees of the original surveyed township aforesaid, on the return of the appraisers so to them made, shall proceed to grant leases to the present lessees so applying, for the term of ninety-nine years, and renewable forever, subject however to a revaluation at the end of every thirty-three years, at which revaluation the land shall be appraised as though the same was in a wild and uncultivated state; and such lessees shall pay, annually, into the treasury of the township aforesaid, six per centum on the value of their lots so appraised, for the benefit of the township, to be appropriated as other rents arising from such lands are or may by law be appropriated.



[Act of January 2, 1806, 4 v. L. O. p. 66.]

An act to incorporate the original surveyed townships.

Original
townships in-
corporated.

SEC. 1. That so soon as there are twenty qualified electors in any original surveyed township of six miles square, or fractional township within this state, wherein there is the reserved section number sixteen, granted by the Congress of the United States for the special use of Schools; they are hereby authorized under the provisions hereafter provided, to elect three trustees and one treasurer, for the purpose of taking into their care the section above mentioned, who shall be a body politic and corporate, capable of suing and being sued, pleading and being impleaded.

Comm'rs to
give notice.

SEC. 2. That when the inhabitants of any surveyed township, or fractional township aforesaid, shall make it appear to the satisfaction of the commissioners of the county where section number sixteen is situated, that there are twenty electors inhabiting such township, it shall then be the duty of the commissioners to cause written notice to be set up in three of the most public places in said township, requiring an election to be held therein, for the purpose of electing three trustees and one treasurer, to perform the duties pointed out by this act; which notice shall be given at least fifteen days previous to the day of election, and the time and place of holding such election, shall be pointed out by the

Officers to be
appointed.

commissioners. The place of meeting shall be as near the centre of the township as circumstances will admit of, and the electors when met, shall be governed in their election by the provisions of the act, entitled "An act for the incorporation of townships," and the trustees and treasurer thus elected, shall each of them take an oath or affirmation before any justice of the peace, to discharge with fidelity the duties of their respective offices, and when thus organized, the trustees shall proceed to the choice of a clerk, who may or may not be one of their own body, and said clerk shall, after being duly sworn to discharge the duties of his office with fidelity, keep a fair and accurate record of the proceedings of the board, in a book to be provided for that purpose.

To take an oath.

SEC. 3. That the trustees and treasurer thus elected, shall hold their offices two years and until their successors are chosen and qualified; and it shall be the duty of the trustees of each and every of the surveyed townships, at least fifteen days previous to each biennial election, to notify the electors of their respective townships, of the time and place of holding each succeeding election; but in case the trustees refuse or neglect to give such notice, it shall then be in the power of any elector inhabiting said township, at any time thereafter, to advertise an election to be held therein for the purpose aforesaid, which notice shall be given in the same manner and the election conducted under the same regulations, as are pointed out in the preceding section of this act.

Officers to continue two years.

Notice to be given of election.

SEC. 4. That when any vacancy shall happen in the office of trustee or treasurer, it shall be the duty of the trustees to choose some suitable person to fill such vacancy, and the person thus chosen, shall continue in office until the next election and until their successors are chosen and qualified.

Trustees to fill vacancies.

SEC. 5. That the trustees shall, prior to their granting a lease for section number sixteen aforesaid, proceed to view and lay off the same in lots of not less than eighty nor more than two hundred acres, and shall give notice by advertisement to be set up in four of the most public places in the township, and on the court-house door, at least thirty days before granting a lease, mentioning the time and place where proposals will be received, and when they will meet to execute the lease, and the trustees shall grant leases to those who make the most advantageous proposals: *Provided*, That no lease shall be granted for a longer time than fifteen years; and the trustees now in office are hereby required to give over the books and papers in their possession, as far as it respects the surveyed section number sixteen, to the trustees appointed under this act.

Section 16 to be laid off into lots.

Limitation of terms of leases.

SEC. 6. That the trustees shall not lease more than one lot to any one person, and the lessee shall be bound not to waste or destroy the sugar trees or other timber further than is necessary for improving thereon, and to make such improve-

Not to lease more than one lot to one person.

When leases
expire, trus-
tees' duty.

ments as the trustees may think proper; and at the expiration of each lease, the trustees shall examine the premises, and see that it is left in good repair, and that the lease has been punctually complied with, and shall then proceed to give new leases on the plan pointed out by the fifth section of this act, always giving the preference to the original lessee, provided he shall have complied with his former lease.

Application of
rents & profits.

SEC. 7. That it shall be the duty of the trustees of each surveyed township, or fractional township aforesaid, to apply the rents and profits arising from section number sixteen, to the special purpose for which it was intended; which rent, if paid in cash, shall be collected by the treasurer, who shall not pay out any money so received but upon the order of the trustees, and said treasurer shall keep a book with fair and accurate entries of all monies received, together with a list of the disbursements, and carefully file the vouchers relating thereto, which book and papers shall at all times be subject to the inspection of the trustees; but if the rents and profits arising from said section are paid in produce, it shall be deposited in such place, or disposed of in such manner by the trustees, as shall in their opinion be best calculated to promote the interest of the institution.

Treasurer to
keep a book,
&c.

Trustees may
divide town-
ship.

SEC. 8. That the trustees are hereby authorized, so soon as they may think necessary, to lay off said townships into proper divisions, and the same to alter from time to time as they shall think proper, for the purpose of establishing Schools therein; which divisions shall be laid off in such manner as shall best suit the interest and convenience of the inhabitants, and each division thus laid off shall receive a fair and equitable dividend of the profits arising from their reserved section, according to the number of inhabitants contained therein.

County line
running
through sec-
tion 16, how
considered.

SEC. 9. That every surveyed township and fractional township aforesaid in this state, that has a county line running through the same, shall be considered as it respects number sixteen, in the same situation as though no such interference had taken place; and any suits or actions that may take place between the trustees of such township in their corporate capacity and individual or individuals, or body corporate, that such action or suit shall be tried and determined in the county where the reserved section lies, and the officers appointed to serve process in such cases, shall have full power to go any where throughout the township in execution of his official duty, in the same manner as though no such division line had ever existed.

Trustees may
employ a sur-
veyor.

SEC. 10. That the trustees aforesaid (where one of their own body is not a surveyor) are authorized to take to their assistance a person capable of laying out said section into lots, under their direction, who shall be entitled to receive one dollar and fifty cents per day; and the trustees shall each receive seventy-five cents per day, for each day they may be

necessarily employed in laying out and leasing the same, to be paid by the persons leasing the same, in proportion to the quantity of land leased.

SEC. 11. That an act directing the mode of leasing section number sixteen, passed the twentieth day of February, one thousand eight hundred and five, and so much of the act for leasing certain lands therein named, as respects the leasing section number sixteen, passed April fifteenth, one thousand eight hundred and three, is hereby repealed. Acts repealed.

This act to take effect, and be in force, from and after the first Monday of March next. Effect.

—♦—

[Act of February 6, 1812, 10 v. L. O. p. 57.]

An act, in addition to the act, entitled "An act to incorporate the original surveyed townships."

[SEC. 1.] That from and after the first day of June next, no holder, possessor or proprietor of any part of section number twenty-nine, in the first entire township, in the second fractional range of townships, in the Miami Purchase, holding or possessing the same, by virtue of any lease from the trustees of said township, appointed by virtue of the said recited act, shall be compelled at any time during the continuance of the term for which the same may have been leased as aforesaid, to pay any greater or other sum for rent, than such as may have been established by said trustees at the time of leasing the same; nor shall said land, at any time hereafter, during the continuance of the term or terms for which the same, or any part thereof may have been, or hereafter may be, leased as aforesaid, be subject to any other or further appraisal or revaluation, than such as may be, or may have been established and made at the time or times when said leases may severally have been given and accepted, any provision in the aforesaid act to the contrary notwithstanding. No person to pay greater rent than trustees have established.

No revaluation.

—♦—

[Act of February 9, 1814, 12 v. L. O. p. 109.]

An act supplementary to the act, entitled "An act to incorporate the original surveyed townships."

SEC. 1. That the trustees, appointed under the provisions of the act to which this is supplementary, are hereby authorized and directed, previous to their appropriating the profits arising from section numbered sixteen, or other section in lieu thereof, (granted by Congress for the use of Schools) to require a certified list of all the scholars who reside within their township, (whether they go to School within or without the same) to Duty of trustees in making dividends.

be procured from their respective teachers, stating the time each scholar by him taught hath attended, together with such other evidence as the trustees may think necessary; and the trustees shall thereupon apportion an equal dividend of the profits of their reserved section, to the use of the scholars within their townships, having special regard to the time each scholar hath been taught; and nothing herein contained shall be so construed as to prevent any scholar who may go to a School out of the township, from an equal participation in the profits of said section in their own proper township, with those actually taught within the same.

Who shall not be trustee, &c. SEC. 2. That no person residing on, or holding a lease of any part of section number sixteen, or other section granted in lieu thereof, for the support of Schools, shall be eligible to be elected to the office of trustee or treasurer of any original surveyed township in this state.

[*Act of February 15, 1815, 13 v. L. O. p. 295.*]

An act supplementary to the act, entitled "An act to incorporate the original surveyed townships."

Certified list of scholars to be made before money divided.

SEC. 1. That the trustees appointed under the provisions of the act, to which this is supplementary, are hereby authorized and directed, previous to their appropriating the profits arising from section number sixteen, or other sections in lieu thereof, granted by Congress for the use of Schools, to require a certified list of all the scholars, who reside within their township, whether they go to School within or without the same to be procured from their respective teachers, stating the time each scholar, by him taught, hath attended, together with such other evidence as the trustees may think necessary; and the trustees shall thereupon apportion an equal dividend of the profits of their reserved section, on the fourth Monday of March, annually, to the use of scholars within their townships, having special regard to the time each scholar hath been taught: and nothing herein contained shall be so construed as to prevent any scholar who may go to a School out of the township, from an equal participation in the profits of said section, in their own proper township, with those actually taught within the same.

Money to be dividend in proportion to scholars taught.

SEC. 2. That all monies heretofore collected from any of the School sections, which have not been distributed among the scholars residing in said township, who have gone to School within, or without the same, the trustees are hereby required to apportion the several sums so collected in each year, among the scholars who have been taught within the same year, agreeably to this act, and the act to which this is supplementary.

SEC. 3. That where any original surveyed township is not School dis-
laid out into School districts, it is hereby made the duty of ^{districts to be} the trustees, on the application of six or more of the free-^{laid out.} holders or householders of the township, to proceed to lay out said township into School districts.

SEC. 4. That where any School has been, or hereafter ^{Trustee's} may be established in any township, where there is a section ^{duty.} or part of a section of land granted for the use of Schools, the persons establishing such School shall choose three trustees, whose duty it shall be to demand and receive from the teacher a certified list of all the scholars by him taught; and the time for which they have severally attended, and lay the same before the trustees of the township, and receive from them the dividend due said School, and apportion the same among the scholars according to the first section of this act.

SEC. 5. That no person residing on, or holding a lease of ^{Qualification} any part of section number sixteen, or other section granted ^{of trustees, &c.} in lieu thereof, for the support of Schools, shall be eligible to be elected to the office of trustee or treasurer of any original surveyed township in this state.

SEC. 6. That the act, supplementary to the act, entitled ^{Act repealed.} "An act to incorporate the original surveyed townships," passed February ninth, one thousand eight hundred and fourteen, be and the same is hereby repealed.



[Act of February 17, 1809, 7 v. L. O. p. 109.]

An act directing in what manner certain lands, granted by Congress for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of.

SEC. 1. That there shall be appointed by a joint resolu- ^{Officers to be} tion of the legislature, a surveyor, register, and treasurer, who ^{appointed.} shall each hold their offices for three years, if so long they behave well, and who shall, before they enter upon the duties of their respective offices, enter into bond, with sufficient sureties, of ten thousand dollars each, payable to the trea- ^{To give bond.} surer of state, conditioned for the faithful performance of the duties enjoined on them respectively, by this act.

SEC. 2. That it shall be the duty of the surveyor to pro- ^{Surveyor's} ceed, forthwith, to run off the lands granted by the United ^{duty.} States for the use of Schools, within the Virginia Military District, (by their act dated the second day of March, eighteen hundred and seven) into quarter sections, in the same manner they are run off by the United States. Both in the running off and marking the boundaries of said lands, the said surveyor shall be governed and regulated by instructions, in all respects similar to those given by the surveyor general of the United States, to his deputies in similar cases, and for

which he shall receive the same compensation that is allowed by the United States for like services.

Register's
duty.

SEC. 3. That as soon as the lands aforesaid are laid off into quarter sections, and a plat of each quarter, township or section (as the case may be) shall be deposited with the register; he shall give public notice in four newspapers of this state, a newspaper at Pittsburgh and Brownsville, in Pennsylvania, and Wheeling, in Virginia, that the said quarter sections will be offered for sale, to the highest bidder, on a certain day or days, at a certain place therein to be named, and the terms on which said lands will be sold; which notice shall be given at least six weeks previous to the day of the commencement of the sale.

Lands to be of-
fered for sale.

SEC. 4. That it shall be the duty of the register and treasurer to attend at the time and place of sale, and then and there offer for sale, to the highest bidder, the whole of said lands, beginning with the quarter section which lie in the most northeasterly situation, and thence west until those that lie in the same parallel of latitude be offered; then return eastward, with those that lie in the next parallel of latitude, and so on west and east, until all are offered for sale: *Provided*, No part thereof shall be sold for less than two dollars per acre, together with a proportion of the expense of surveying, advertising and offering for sale, which shall be ascertained and apportioned as is hereafter directed.

Proviso.

Conditions of
sale.

SEC. 5. That the said lands shall be sold as aforesaid, and paid for as follows, that is to say: There shall be paid to the treasurer, at the time of making the purchase, such sum as may be found chargeable on each quarter section, for the expense of surveying, advertising, and offering for sale as aforesaid; and on the remaining sum, the purchaser, his heirs or assigns, shall pay yearly and every year forever, at the rate of six per centum per year—subject, however, to alteration by any succeeding legislature, so as to enable the purchaser or purchasers to make such commutation as said legislature may think expedient.

Payments to
be made.

SEC. 6. That the first payment shall not be required to be made until the first Monday in the second February after the purchase is made, and from thenceforth, forever, the payments shall become due and payable on the first Monday of February, yearly: and in case payment be not made on the first Monday of February, as aforesaid, it shall be the duty of the treasurer to enter upon the land of the delinquent or delinquents, and give notice in the same manner, sheriffs may be required to do, for the time being, in case of the sale of lands for debt, and shall proceed to sell the same in the last week of March, to such person or persons as will pay the arrearages then due, and become bound for the yearly payments as they may become due thereon, forever, agreeably to the conditions of the first sale of such tract or quarter section.

SEC. 7. That the register and treasurer aforesaid, shall in Sales, how all things appertaining to their respective offices, conduct the conducted. business thereof, in the same manner, and be governed by the same rules, so far as they can properly apply, that the registers and receivers are, in the public offices of the United States, for the sale of their lands.

SEC. 8. That the register shall execute a deed or deeds of Register to lease for ninety-nine years, renewable forever, to the purchaser give a deed. or purchasers, to his, her or their heirs, executors, administrators or assigns, conditioned, that the person or persons so purchasing, his, her or their heirs, executors, administrators, or assigns, shall comply with the requisitions of this act, or suffer the treasurer to enter thereon, and make sale as herein before directed, which deed or deeds of lease, he shall execute as other deeds are executed, and record accurately, in a book to be by him provided for that purpose, after which he shall deliver it to the person entitled thereto, who shall have it recorded as other deeds are. Deed to be recorded.

SEC. 9. That the register shall audit and settle the account of the surveyor, and shall also audit and settle for Surveyor's accounts to be settled. such printing, books and stationary as may be necessary, under the provisions of this act, together with the expense attending the offering for sale the said lands; the amount of the sums due on such settlement, shall be paid, with interest thereon, at the treasury, on the certificate of the register.

SEC. 10. That such of the quarter sections as may not be sold at the public sale, when offered as aforesaid, shall be exposed at private sale, at two dollars per acre, with the addition of the contingent expense aforesaid, payable in the same manner, and at the same yearly period herein before mentioned. Lands may be sold at private sale.

SEC. 11. That the register and treasurer shall hold their offices at the town of Mansfield, in the county of Richland, and shall each receive yearly the sum of one hundred and fifty dollars out of the avails of said lands, together with one and a half per centum on the amount of money received in the treasury; subject, however, to such alterations as any future legislature shall think proper to make. Where offices shall be kept.

This act to take effect from and after the passage thereof. Effect.



[Resolution of February 20, 1809, 7 v. p. 228.]

Resolved, That Abraham Shepherd be, and he is hereby appointed surveyor, Winn Winship, jr. register, and Cadwalader Wallace, treasurer, agreeable to the provisions of the act, entitled "An act directing in what manner certain lands granted by Congress for the use of Schools in the Virginia Military Tract, shall be surveyed and disposed of."

[*Act of February 16, 1810, 8 v. L. O. p. 254.*]

An act to amend the act, entitled "An act directing in what manner certain lands, granted by Congress for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of."

Time and manner of making improvements.

SEC. 1. That the lands granted by Congress, for the use of Schools, in the Virginia Military Tract, shall be paid for as follows, viz: There shall be paid to the treasurer, at the time of making purchase, the sum of ten dollars for each quarter section; and at the expiration of five years, from the time the purchase is made, the purchaser or purchasers, his or their heirs or assigns, shall pay six per cent. on the amount of the purchase money, and shall also pay thereafter yearly, and every year, six per cent. on the amount of the purchase money aforesaid; subject, however, to such alteration by any succeeding legislature, so as to enable the purchaser or purchasers to make such commutation as said legislature may think expedient.

Register may sell lands of lessees.

SEC. 2. That if the purchaser or purchasers, his or their heirs or assigns, shall fail to make payment, agreeably to the provisions of the first section of this act, the register shall enter upon the lands of the delinquent or delinquents, and give notice in the same manner, sheriffs may be required to do, for the time being, in case of the sale of lands, for debt, and shall proceed to sell the same to such person or persons as will pay the arrearages then due, and become bound for the yearly payment as they may become due thereon, forever, agreeable to the conditions of the first sale of such tract or quarter section, by advertising such sale at least six weeks previous to the day of sale, at two public places, in the towns of Mount Vernon, Mansfield and Canton.

Improvements to be made.

SEC. 3. That every person or persons, purchasing any tract or tracts aforesaid, shall, within three years from the time of making such purchase or purchases, build a good comfortable cabin, and clear at least three acres of ground on each quarter section, and every person or persons failing to make the improvements aforesaid, shall forfeit his right and claim to such tract or quarter section, any thing herein contained to the contrary notwithstanding; and such tract shall be subject to be re-entered by any person or persons making application therefor, on his or their making satisfactory proof thereof to the register.

Purchasers bound by this act.

SEC. 4. That those persons who have hertofore purchased any of the aforesaid lands, shall be dealt with in all respects, agreeably to the provisions of this act.

Part of act repealed.

SEC. 5. That the fifth and sixth section of the act, entitled "An act directing in what manner certain lands, granted by Congress for the use of Schools, in the Virginia Mili-

tary Tract, shall be surveyed and disposed of," be and the same are hereby repealed.

This act shall take effect, and be in force, from and after the passage thereof.

[Act of February 20, 1810, 8 v. L. O. p 253.]

An act supplementary to the act, entitled "An act to amend the act, entitled "An act directing in what manner certain lands granted by Congress for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of."

SEC. 1. That the present register, appointed under the provisions of the act, entitled "An act directing in what manner certain lands, granted by Congress for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of," shall exercise the duties of register and treasurer, agreeable to law, for the term of five years from the passage of this act, at which time the legislature may appoint a register and treasurer, agreeable to the provisions of the aforesaid act. Treasurer to serve 5 years.

This act to take effect from and after the passage thereof. Effect.

[Act of February 9, 1813, 11 v. L. O. p. 161.]

An act to amend an act, entitled "An act to amend the act, entitled "An act directing in what manner certain lands granted by Congress, for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of."

WHEREAS it has been represented to this General Assembly, by a number of inhabitants of the county of Richland, that many of the lessees of School lands, in the Virginia Military Tract, leased at Mansfield, have been driven from their possession by the savage enemies of our country, and that consequently they cannot make the improvements, within the time required by the act to which this is an amendment: Therefore, Preamble.

SEC. 1. That any person or persons who have heretofore purchased or leased any tract or tracts of the Virginia Military School Lands aforesaid, and who have not improved the same, agreeably to the provisions of the third section of the act to which this is an amendment, be and they are hereby allowed the further time of one year to make the aforesaid improvements, from and after the passage of this act, any thing in the above recited act to the contrary notwithstanding. Further time allowed to complete improvements.

[*Act of January 15, 1814, 12 v. L. O. p. 51.*]

An act to amend an act, entitled "An act to amend the act, entitled "An act directing in what manner certain lands granted by Congress, for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of."

Persons who have made improvements shall have further time to complete them.

SEC. 1. That any person or persons who have heretofore purchased or leased any tract or tracts of the Virginia Military School Lands aforesaid, and who have not improved the same, agreeably to the provisions of the third section of the act to which this is an amendment, in case such person or persons have actually settled or built a cabin, or cleared one acre of ground, on any quarter section so purchased or leased, he, she or they, shall be allowed the further time of one year, from and after the first day of April next, to complete their several improvements, as required by the said third section of the above recited act.

Register to report to the legislature.

SEC. 2. That the register appointed agreeably to the act directing in what manner certain lands granted by Congress for the use of Schools, in the Virginia Military Tract, shall be surveyed and disposed of, shall, annually hereafter, report to the General Assembly, within twenty days from the commencement of each session the quantity of lands sold, designating each tract by its number and quantity of acres, together with the names of the purchaser or purchasers, and also, any forfeiture or forfeitures that may or have, from time to time, accrued thereon.

Plat to be made out.

SEC. 3. That the register shall make out and transmit, to the next General Assembly, a plat of the whole lands granted, as before mentioned, designating the same by the number of range, township, section and quarter section.

[*Act of February 13, 1815, 13 v. L. O. p. 166.*]

An act to provide for granting permanent leases of certain tracts of School Land in the United States Military Tract, within the county of Muskingum.

Part of V. M. School Lands leased.

SEC. 1. That the present lessees of any part of the fourth quarter of the first township, in the fifth range, or the third quarter of the third township, in the eighth range, in the United States Military Tract of Land, granted by Congress for the use of Schools, or any others who may hereafter apply for leases of the same, shall have the privilege of taking permanent leases of tracts of said land, containing not less than eighty nor more than two hundred acres, for the term of ninety-nine years, renewable forever, by paying six per centum per annum upon the valuation, to the treasurer of Muskingum county, subject, however, to a revaluation at the end of thir-

ty-three years from the time of granting such lease or leases, at which time the said land shall again be appraised, without taking into view the improvements thereon, but be valued as if in a state of nature.

SEC. 2. That when any person shall desire to take a per-Valuation: manent lease of any of the above-mentioned lands, the court of common pleas, for the county of Muskingum, shall on application, appoint three disinterested and judicious freeholders, who shall proceed to appraise the value of such tract or tracts of land, upon oath or affirmation, taking into view the advantages and disadvantages of situation, together with the nature of the lease, and make return thereof to the county commissioners, which returns shall be filed in the commissioners' office, and they shall thereupon proceed to grant permanent leases of the same to the applicant or applicants, agreeably to the provisions of the first section of this act, which lease or leases shall be recorded in the recorder's office for said county, within one year from the time of granting the same, or be of no effect.

SEC. 3. That all rents or profits arising from the aforesaid Rents to be lands, shall be paid into the county treasury, there to remain paid into subject to the future disposition of the legislature, in conformity with the original intent of the grant of said lands; and if any lessee shall neglect or refuse to pay his yearly rent, with the interest that may have accrued thereon from the time it became due, so that he shall, at any time, be in arrears for the amount of three years' rent, and no personal property is to be found, sufficient to satisfy the same, then and in that case, the county commissioners shall have power to re-enter upon and again lease or sell the improvement, on such lot of land, Re-entry au- to any other applicant, by giving at least thirty days previous thorized in notice in a newspaper printed in the county: *Provided, That* payment. if on a sale of any lease there shall be any overplus, after satisfying all rents and interests, together with the costs that may accrue, such remainder shall be paid over to the lessee who may be so ejected.

SEC. 4. That all necessary expenses which may arise in the Expense, how execution of the provisions of this act, shall be subject to the paid. control of the county commissioners, and paid out of the county treasury, and shall be reimbursed out of the first monies arising from the rents of the aforesaid lands.

[Act of February 14, 1815, 13 v. L. O. p. 307.]

An act further to amend the act, directing in what manner certain lands granted by Congress, for the use of Schools in the Virginia Military Tract, shall be surveyed and disposed of.

SEC. 1. That the register of said lands, at the same time Register's he makes his annual report of the lands sold, shall also make report. duty to make

out and transmit to the General Assembly, a statement of the amount of all monies received, and on what account, together with the disbursements thereof, during the preceding year, and shall also report to the next General Assembly the amount of all monies received, and paid out, from the twenty-first day of October, eighteen hundred and nine, to the twenty-fourth day of November, eighteen hundred and fourteen, and on what account.

Money to be paid into the treasury.

SEC. 2. That all monies that may be in the hands of the register of said lands, on the first day of May next, and on the first day of May each subsequent year, shall be paid into the treasury of this state on the order of the treasurer; which order, the register shall deliver over to the auditor, who shall charge the treasurer with the amount, and give a receipt to the register for the same, who shall make a record thereof in his office; and the money thus paid into the state treasury, shall be subject to be appropriated as other monies in the treasury (unless the General Assembly shall by law otherwise direct) until the same shall be appropriated for the use of Schools within the Virginia Military District.

[Act of January 24, 1809, 7 v. L. O. p. 219.]

An act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami Purchase.

Three trustees and one treasurer to be elected on the first Monday of March, annually.

SEC. 1. That the electors within the fractional township number four, in the second fractional range of townships in the Miami Purchase, shall meet at the house of Samuel Muckmore, at ten o'clock, on the first Monday of March, annually, ten days notice having been previously given by advertisement, set up at three of the most public places, by two or more of the citizens of said township, and proceed to elect, by ballot, three trustees and one treasurer, to perform the duties required by this act; the election to be conducted in the same manner, as elections for township officers.

To take an oath, &c.

SEC. 2. That the trustees and treasurer thus elected, shall severally take an oath or affirmation, before any justice of the peace or associate judge, to discharge, with fidelity, the duties of their respective offices; and when thus organized, the said trustees, or any two of them, shall appoint a clerk, who may or may not be of their own body; and the said clerk being duly sworn to discharge the duties of his office, with fidelity, shall keep a fair and accurate record of their proceedings in a book or books, by him procured for that purpose.

And appoint a clerk.

Duty of clerk.

Their continuance in office.

SEC. 3. That the trustees and treasurer shall hold their offices one year, and until their successors in office, are cho-

sen and qualified. And it shall be the duty of the clerk of said board, to demand and receive from the trustees, all leases by them executed, and make a fair record of the same. Further duty of the clerk.

SEC. 4. That the trustees aforesaid, shall appoint a skilful surveyor to lay off such section into such lots, as they shall direct; also, they shall appoint three disinterested freeholders, living in said township, who, after being duly sworn to discharge the duties of their offices, with fidelity, shall proceed to value the several lots of land laid out as aforesaid: *Provided*, That none of said land shall be valued at a less sum than two dollars per acre, and subject to a revaluation every fifteen years, without taking into view the improvements made thereon, by any lessee or lessees. Justices to appoint a surveyor & three freeholders. Proviso.

SEC. 5. That the said trustees be, and they are hereby authorized to lease out, to any person or persons, such part or parts of said section, for the term of ninety-nine years, and renewable forever: *Provided*, That any person or persons, holding more than one lot of land, shall be entitled to have the whole amount of acres included in one lease, so that it does not exceed fifty acres: *And provided*, That no lot shall be leased for less than six per centum on its valuation. Trustees authorized to grant leases, &c. Proviso.

SEC. 6. That the trustees aforesaid shall direct the surveyor, by them appointed agreeably to the provisions of this act, to lay out such streets or roads through the aforesaid section, as they shall deem necessary for the convenience of the lessees and the public in general. In all cases where lots are to be let out, it shall be the duty of the trustees to advertise the same, in three of the most public places in the township, at least three weeks, specifying the lots to be let out. Surveyor to lay out streets and roads. 3 weeks' notice to be given.

SEC. 7. That the rent of the land aforesaid, shall be paid by the lessee or lessees, to the treasurer above mentioned, on or before the first day of April, annually; the first payment to be made on the first day of April, one thousand eight hundred and ten. On failure of the payment, it shall be the duty of the treasurer aforesaid, when so directed by the trustees, to bring a suit in the name of the trustees, before any court having cognizance thereof; and, on final process, if no goods and chattels can be found, whereby distress can be made—or if *mesne* process cannot be served, upon the return of the same, the trustees are thereupon authorized to re-enter upon the land of the delinquent or delinquents, and sell, at public vendue, his or their right and title in the said lease or leases, to satisfy such rent and costs; in which case the trustees shall give twenty days previous notice of the time and place where the said lease or leases will be sold, by advertising the same in three of the most public places in the county, subjecting the purchaser or purchasers to the conditions contained in the lease or leases of the delinquent or delinquents; and in case the said lease or Rent to whom and when to be paid. On failure, treasurer to bring suit. Proceedings thereon.

leases shall sell for more than the rent and costs, the surplus shall be paid over to the delinquent or delinquents.

Fines arising
how appropri-
ated.

SEC. 8. That all funds, arising from the sale of the leases of the aforesaid section, number sixteen, shall be appropriated for the use of Schools, as the trustees shall direct, within the township.

Trustees,
treasurer,
clerk and sur-
veyor, &c.
Compensa-
tion.

SEC. 9. That the trustees, treasurer, clerk, surveyor and appraisers, shall receive for their services under this act, the following sums, viz: For the time they are necessarily employed on said business—to the surveyor, one dollar and fifty cents per day; each chain carrier and marker, seventy-five cents per day, and the treasurer three per cent. on all monies he shall receive; the trustees, seventy-five cents per day, each; the appraisers seventy-five cents per day, each; and the clerk, such a sum as the trustees shall think proper.—The expenses of surveying, laying out and leasing the section aforesaid, shall be paid by the lessee or lessees in such proportion as the trustees shall direct, and all expenses afterwards shall be paid out of the funds arising out of the leases, by orders drawn on the treasurer by the said trustees.

Repealing
clause.

SEC. 10. That so much of the act, entitled "An act to incorporate the original surveyed townships," as respects fractional township number four, second fractional range of townships in the Miami Purchase, be, and the same is hereby repealed.

Commence-
ment.

This act shall take effect, and be in force, from and after the passage thereof.

[Act of January 28, 1811, 9 v. L. O. p. 64.]

An act to amend the act, entitled "An act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami Purchase."

Duty of trus-
tees and trea-
surer.

SEC. 1. That the trustees and treasurer, elected in pursuance of the act, entitled "An act to incorporate the original surveyed townships," passed February sixth, one thousand eight hundred and ten, are hereby required to do and perform all the duties enjoined on the trustees and treasurer, required to be elected by the act, entitled "An act for the laying out and leasing section number sixteen, in fractional township number four, second fractional range of the townships in the Miami Purchase," passed the twenty-fourth of January, one thousand eight hundred and nine.

First section
repealed.

SEC. 2. That the first section of the above recited act be, and the same is hereby in part repealed.

Effect.

This act shall take effect, and be in force, from and after the passage thereof.

[Act of February 15, 1812, 10 v. L. O. p. 101.]

An act to amend the act, entitled "An act for laying out and leasing section number sixteen, in the fractional township number four, second fractional range of townships, in the Miami Purchase."

SEC. 1. That the trustees and treasurer, in pursuance of Certain powers given. the act, entitled "An act to incorporate the original surveyed townships," passed February the sixth, one thousand eight hundred and ten, are hereby required to do and perform all the duties enjoined on the trustees and treasurer required to be elected by the act, entitled "An act for laying out and leasing section number sixteen, in fractional township number four, in the second fractional range of townships in [the] Miami Purchase," passed the twenty-fourth of January, one thousand eight hundred and nine.

SEC. 2. That the schoolmasters in said fractional township, shall each keep a daily account of each and every scholar sent to his School, and the name of the person sending them, and transmit a certified copy of the same to the said trustees on or before the first day of April, annually; and the trustees shall make out a fair and equal dividend of the nett proceeds of said School section, to each person resident in said township, sending to School, according to the number of scholars sent by them respectively, and the time for which they have attended, and the teacher's receipt as to any of the lessees of the School section shall be received by the trustees in payment of any rents due from them respectively, as far as may then be due to the said lessee or lessees. Teachers to keep an account. Trustees' duty.

SEC. 3. That so much of the act to which this is an amendment, as comes within the purview of this act, and the act, entitled "An act to amend the act for laying out and leasing section number sixteen, in the fractional township number four, in the second fractional range of townships, in the Miami Purchase," be, and the same is hereby repealed. Part of act repealed.

This act to take effect, and be in force, from and after the first day of April next. Effect

[Act of January 31, 1814, 12 v. L. O. p. 84.]

An act for the relief of John Stoker, and others.

WHEREAS it has been represented to this General Assembly, Preamble. that John Stoker, William Berryman and Josiah Clawson, did lease three quarters of section number sixteen, in the second township, and eighth range of land, granted by Congress for the use of Schools; and that owing to a storm which has lately passed through the same, and destroyed the timber in such a manner, that it is impos-

sible for the said John Stoker, William Berryman and Josiah Clawson, to comply with their contract:

Therefore,

Trustees may release certain persons from contract. SEC: 1. That the trustees of said section number sixteen, are hereby empowered to release John Stoker, William Berryman and Josiah Clawson from their contract, or prolong the time for their making improvements on said land, for a space of time not exceeding three years.

[Act of December 19, 1814, 13 v. L. O. p. 5.]

An act for the relief of the Miami Baptist Church, so called.

Preamble. WHEREAS it hath been shewn, to the General Assembly of the state of Ohio, that the trustees of fractional township, number five, in the second fraction in the Miami Purchase, did heretofore Cavalt, and others, members of Church, so called, a certain parcel of land, by estimation, four acres, with or without twenty-nine of said fractional township, as doubts have been entertained with respect to the said trustees so to do, if the lot contains less than eighty acres, the Miami Baptist Church, have, at considerable expense, caused to be erected on said parcel of ground, a meeting-house; therefore, the better to carry into effect the laudable intentions of said trustees, and to vest in said society the right to occupy said premises, as a church yard, burial ground and place of worship.

Lease confirmed. SEC. 1. That the members of the said Miami Baptist Church, and their successors and other members of said Church, shall have the right for and during the term in said lease specified, and renewable forever, on the same terms, conditions, and restrictions, and subject to the same valuations, and revaluations as by law other leases of any part of said section, number twenty-nine, and fractional township number five, in the second fractional range of townships, in the Miami Purchase, are or may be subject to.

[Act of December 30, 1814, 13 v. L. O. p. 49.]

An act to exempt section twenty-nine, third township and second fractional range in the Miami Purchase from a revaluation.

Preamble. WHEREAS a number of individuals, lessees of section twenty-nine and others, inhabitants of the third township and

second fractional range in the Miami Purchase, have represented to this General Assembly, that the said section twenty-nine is poor, hilly and unproductive:—
Therefore,

SEC. 1. That the revaluation of the aforesaid section twenty-nine, third township, second fractional range, in the Miami Purchase, be and the same is hereby taken off, and that all leases given or that may be given on the aforesaid section twenty-nine, shall be subject to pay the six per cent. charged in the first valuation, agreeably to the provisions of the twelfth section of an act to incorporate the original surveyed townships.

Revaluation
of section 29
taken off.

This act to take effect, and be in force, from and after the first day of April next.



[Act of February 14, 1815, 13 v. L. O. p. 310.]

An act for the relief of David Moore, Jas. W. Patterson and Osmond Wells.

SEC. 1. That the leases executed by Stephen M'Dougal, acting on behalf of the state of Ohio, to Eli Hunt, and assigned by the said Eli Hunt, to David Moore, James W. Patterson and Osmond Wells, to the following tracts of land, to wit: Lease number one, three hundred and eighteen acres of land, granted by Congress for the use of Schools, in the Ohio state, in the fourth quarter of the third township, eleventh range, United States Military Tract, in the county of Licking, bounded as follows: beginning at the northeast corner of said quarter; thence running west four hundred and eighty poles, along the line of said quarter; thence south one hundred and six poles; thence east four hundred and eighty poles to the east line of said quarter; thence one hundred and six poles to the beginning: number two, beginning at [the] southeast corner of lot number one; thence south one hundred and six poles; thence west four hundred and eighty poles; thence north one hundred [and] six poles, to the southwest corner of lot number one; thence east four hundred and eighty poles to the place of beginning, containing three hundred and eighteen acres: number three, beginning at the southeast corner of lot number two; thence south one hundred and six poles; thence west four hundred and eighty poles; thence north one hundred and six poles, to the southwest corner of said lot number one; thence east four hundred and eighty poles to the place of beginning, containing three hundred and eighteen acres: number four, beginning at the southeast corner of lot number three, and running south one hundred and six poles; thence west four hundred and eighty poles; thence north one hundred and six poles; thence east four

Description of
certain lots
leased to Eli
Hunt by S.
M'Dougal.

hundred and eighty poles to the beginning, containing three hundred and eighteen acres: number five, beginning at the southeast corner of lot number four, and running south one hundred and six poles; thence west four hundred and eighty poles; thence north one hundred and six poles; thence east four hundred and eighty poles to the place of beginning, containing three hundred and eighteen acres: number six, beginning at the southeast corner of lot number five, and running south one hundred and six poles; thence west four hundred and eighty poles; thence north one hundred and six poles; thence east four hundred and eighty poles to the beginning, containing three hundred and eighteen acres: also, one other lease, executed by the said Stephen M'Dougal, agent as aforesaid, to David Moore, James W. Patterson and Osmond Wells, for three hundred and twenty acres of land, in the southeast quarter of the third township and eleventh range, beginning half a mile north of the southwest corner of the land surveyed and leased by Eli Hunt; thence west half a mile to a post; thence north one mile to a post; thence half a mile to the blazed line of Eli Hunt's survey; thence south one mile along said line to the place of beginning, be, and the same are hereby declared to be cancelled, annulled and of none effect; and the said David Moore, James W. Patterson and Osmond Wells, and their heirs, are exonerated from all the conditions, requisitions and covenants set forth in the aforesaid leases.

Said M'Dougal to lease said land to Hunt's assignees.

SEC. 2. That Stephen M'Dougal, agent for said lands, shall execute leases to the aforesaid David Moore, James W. Patterson and Osmond Wells, their heirs, executors, administrators or assigns, for the aforesaid several tracts of land, for the term of ninety-nine years, and renewable forever; reserving an annual rent of six per cent. per annum, upon the aggregate amount of the valuation of such land, to be made as herein after directed, which rent, if not punctually paid, shall be recoverable as rents in other cases.

Persons appointed to make valuation.

SEC. 3. That Alexander Holmes, Jacob Wilson, and Isaac Statton, be and they are hereby appointed commissioners to make a valuation of said land, described in the first section of this act; and the said commissioners shall affix a money valuation upon said lands: *Provided*, Such valuation shall not be less than two dollars per acre, which valuation, when made, they shall return, in writing, under oath or affirmation, to the recorder of Licking county, on or before the first day of June next; and the said recorder is hereby directed to record said return and valuation, and file the original in his said office.

6 per cent. to be paid.

SEC. 4. That after the expiration of ten years from the date of the valuation, they the said David Moore, James W. Patterson and Osmond Wells, their heirs, executors, administrators or assigns, shall pay or cause to be paid the afore-

said six per centum per annum, on the valuation of the said several tracts of land.

SEC. 5. That at the end of every thirty-three years, the Revaluation said several tracts of land shall be revalued by three reputable freeholders, to be appointed by the commissioners of Licking county, then being, who shall return their proceedings to the recorder of Licking county, who is directed to record the same, and file the original in his office: *Provided*, At the time of the revaluation, said lands shall be considered as if in an unimproved state.

SEC. 6. That the said David Moore, James W. Patterson and Osmond Wells, shall jointly give bond to the commissioners of Licking county, with sufficient security, to be approved by the court of common pleas of said county, in the penal sum of two thousand dollars, conditioned that they the said David Moore, James W. Patterson and Osmond Wells, their heirs, executors, administrators or assigns, shall make the following improvements upon a part of the aforesaid several tracts of land, within four years, from the first day of April next, viz: To erect, where there is a sufficient water and seat for water works, a good and sufficient furnace, for the purpose of making metal and pig for bar iron, and such other works as may be deemed necessary for the purpose of manufacturing metal and bar iron; and in case the said David Moore, James W. Patterson and Osmond Wells, their heirs, executors, administrators or assigns, shall fail to enter into bond and security, as required in this section, on or before the first day of June next, this act shall be void and of none effect; and in case bond be given, the commissioners of Licking county are hereby directed to have said bond recorded, in the recorder's office of Licking county, and cause the original to be filed in said office.

SEC. 7. That the said David Moore, James W. Patterson and Osmond Wells, their heirs, executors, administrators and assigns, shall defray all necessary expenses that may accrue by virtue of this act.

OHIO UNIVERSITY.

[Resolution of December 18, 1799, 1 sess. G. A. T. p. 244.]

WHEREAS in the county of Washington, within this territory, the townships Nos. 8 and 9, in the fourteenth range, have been appropriated and set apart for the purpose of endowing an University; and whereas the application of the same to the purpose aforesaid has been entrusted to the legislature of this territory; therefore, to enable the said legislature the better to determine the situation whereon to establish the said University:

Committee to
lay off a town
and make re-
turn.

[Sec. 1.] That Rufus Putnam, Benjamin Ives Gilman, and Jonathan Stone, Esquires, be requested to lay off, in the most suitable place within the townships aforesaid, a town plat, which shall contain a square for the Colleges; also, lots suitable for house lots and gardens, for a president, professors, tutors, &c. bordering on, or encircled by spacious commons, and such a number of town-lots adjoining the said commons and out-lots, as they shall think will be for the advantage of the University, who are to make a return of the said town plat and out-lots, describing their situation within the said townships, to this legislature at their next session, who shall receive such compensation for their services as the legislature shall and may direct and allow.

[Act of December 6, 1800, 2 sess. 1 G. A. T. p. 45.]

An act confirming and establishing the Town of Athens in the county of Washington.

(Preamble.)

Town of A-
thens estab-
lished.

Proviso: trus-
tees may alter
plan.

SEC. 1. That the return and report of the said Putnam, Gilman and Stone, be accepted and approved, and that the said town be confirmed and established by the name of the town of Athens: *Provided*, That the trustees of the University therein to be established, shall have power to alter the plan of the said town, by extending the house lots into the commons or out-lots which adjoin the town, or by altering the streets, where, on actual survey, they may find it necessary or convenient: *Provided also*, That such alterations be made and a plat of the town, out-lots and commons, with a designation of the uses of the commons, be recorded in the office of the recorder of the proper county, prior to the offering to lease any of the said lots.

Two lots re-
served for
public use.

SEC. 2. That the house lots numbered fifty-five and fifty-six in the said town of Athens, or some other two lots therein, equally well situated, to be designated and set apart, by the trustees of the said University when appointed, and shall be reserved for the accommodation of public buildings that may be necessary to be erected for the use of said town and county in which it may be situated; which two lots, when agreed upon by said trustees, shall be particularly noted on the plat of said town, and vest in the county, to and for the uses designed thereby.

[Act of January 9, 1802, 1 sess. 2 G. A. T. p. 161.]

An act establishing an University in the town of Athens.

Preamble.

WHEREAS institutions for the liberal education of youth, are essential to the progress of arts and sciences, important

to morality, virtue and religion; friendly to the peace, order and prosperity of society, and honorable to the government that encourages and patronizes them—and whereas the Congress of the United States did make a grant of two townships of land, within the purchase made by the Ohio Company of Associates, for the encouragement and support of an University therein; and whereas the interference of the legislature is rendered necessary, to point out and direct the mode in which the same shall be brought into operation, that the benefits of the grant may be applied to the purposes designed:—
Therefore,

SEC. 1. That there shall be an University instituted and established in the town of Athens, in the ninth township of the fourteenth range of townships, within the limits of the tract of land purchased by the Ohio Company of Associates, by the name and style of the “American Western University,” for the instruction of youth in all the various branches of the liberal arts and sciences, for the promotion of good education, virtue, religion and morality, and for conferring all the degrees and literary honors granted in similar institutions. University established.

SEC. 2. That there shall be and forever remain in the said University, a body politic and corporate, by the name and style of “The President and trustees of the American Western University,” which body politic and corporate shall consist of the president *ex-officio*, and not more than seventeen nor less than eleven trustees, to be appointed as herein after is provided. Body politic and corporate established.

SEC. 3. That the Hon. Rufus Putnam, Joseph Gilman, Return Jonathan Meigs, jun. and Paul Fearing, Esquires, the Reverend Daniel Story, Griffin Greene, Robert Oliver, Ebenezer Sproat, Dudley Woodbridge and Isaac Pierce, Esquires, together with the president of the said University, for the time being, to be chosen as herein after directed, be, and hereby are created a body politic and corporate, by the name of “The President and Trustees of the American Western University,” and that they and their successors, and such others as shall be duly elected members of the said corporation, shall be and remain a body politic and corporate, in law, by that name forever. Persons incorporated.

SEC. 4. That the said trustees shall have power and authority to elect a president, who shall preside in the University, and also to appoint a secretary, treasurer, professors, tutors, instructors, and all such officers and servants in the University as they shall deem necessary for carrying into effect the designs of the institution, and shall have authority, from time to time, to determine and establish the name, numbers and duties of all the officers and servants to be employed in the University, except wherein provision is otherwise made by this act, and may empower the president, or Powers of the trustees.

Proviso.

some other member of the corporation to administer such oaths as they shall appoint and determine, for the well ordering and good government of the University: *Provided nevertheless*, That no corporation business shall be transacted at any meeting unless seven of the trustees, at least, shall be present.

Rules, orders, and by-laws may be made.

SEC. 5. That the said corporation shall have power and authority, from time to time, to make and ordain reasonable rules, orders and by-laws for the government of the corporation, not incompatible with the constitution, laws and ordinances of the United States, the acts of the territory, or the laws of the state in which the University is or may be founded, and the same to repeal as occasion may require, and also to determine the salaries, emoluments and tenures of their several officers.

Officers, &c. may be removed.

SEC. 6. That the said corporation shall have power and authority to suspend, dismiss and disfranchise the president or any member of the said corporation, who shall by his misconduct render himself unworthy of the office, station or place he sustains, or who from age or other infirmity, is rendered incapable to perform the duties of his office. And the said corporation shall have power and authority to suspend, dismiss, disfranchise and remove from the University, any professor, instructor, or resident student or servant, whenever the corporation shall deem it expedient for the interest and honor of the University.

Corporation may fill vacancies.

SEC. 7. That whenever the president or any member of the corporation shall be removed by death, resignation, or otherwise, during the recess of the legislature, the corporation shall hold a meeting (due notice of the design of which meeting shall be given to the several members) for the supplying such vacancy, who shall continue in office until the end of the next session of the legislature and no longer, by virtue of such appointment; and in order to choose a president or member of the corporation, there shall be, at least, two thirds of the whole number of said trustees present, and the said election shall be by ballot.

Legislature to fill vacancies.

SEC. 8. That when any member of the corporation shall be removed by death, resignation or otherwise, such vacancy shall be supplied at the next meeting of the legislature of the territory or state.

Style of the President and Professors.

SEC. 9. That the president and such professors, tutors and instructors as the corporation shall appoint for that purpose, shall be styled "The Faculty of the University," and shall have power and authority, from time to time, to ordain, regulate and establish the mode and course of education and instruction to be pursued in the University, and also to make public and execute such code of rules, regulations and by-laws, as they shall deem necessary for the well ordering and good government of the University, and to repeal or amend

any part thereof, which rules, regulations and by-laws shall continue in force till altered or disapproved of by the corporation. And it shall be the duty of the faculty, to lay before the corporation, from time to time, accurate statements of all their proceedings; and the faculty shall direct and cause to be holden in the said University, quarterly in every year, a public examination, at which time the faculty shall attend, when each class of the students shall be examined, relative to the proficiency they shall have made in the particular arts and sciences, or branches of education in which they shall have been instructed. Their powers and duty.

SEC. 10. That the said corporation may have and keep one common seal, which they may change, break or renew at pleasure; and that all deeds and instruments of writing, signed and delivered by the treasurer, and sealed with the corporation seal, by order of the president and trustees, shall, when made in their corporate name, be considered in law as the deed and act of the corporation. And the said corporation shall be capable of suing and being sued, pleading and being impleaded, in any action, real, personal or mixed, and the same to prosecute and defend to final judgment and execution, by the name of "The president and trustees of the American Western University: " *Provided*, That whenever any suit shall be commenced against the said corporation, the process shall be summons, and the service made by the officer leaving an attested copy of such process with the treasurer of the said corporation, at least twenty days before the return day of such process; and the said corporation shall be capable of having and holding, and taking in fee simple or by any less estate by gift, grant, devise or otherwise, any lands or other estate, real or personal. Seal.
Corporation may sue and be sued.
The process and manner of service.

SEC. 11. Whereas the Congress of the United States have given, perpetually, for the use and benefit of an University, the two townships numbered eight and nine, in the fourteenth range of townships, in the grant of land made by Congress to the Ohio Company of Associates: Therefore, Preamble.

That the said two townships numbered eight and nine, in the said fourteenth range of townships, be, and the same are hereby vested in the said corporation, which by this act is erected, and in their successors forever, for the sole use, benefit and support of the said University, to be holden by the said corporation, in their corporate capacity, with full powers and authority to divide, sub-divide, settle and manage the same, by leasing the said land for such times or such terms, and in such way and manner as the said corporation shall judge will best promote the interest and welfare of the said University: *Provided*, That no lease shall be made for a longer term of time than twenty-one years; and the tenants or lessees of the said University land, appropriated and vested as Townships 8 and 9 vested in the corporation.
Its powers over them.
Provide,

aforesaid, shall enjoy and exercise all the rights and privileges of citizens which they would be entitled to and enjoy, did they hold the same lands in fee simple, any law to the contrary notwithstanding.

Appropriation of rents and profits.

SEC. 12. That the clear annual rents, issues and profits, of all the estate, real and personal, of which the said corporation shall be seized or possessed, in their corporate capacity, shall be appropriated to the endowments of the said University, in such manner as shall most effectually promote virtue, morality, piety and the knowledge of such of the languages and of the liberal arts and sciences, as shall hereafter be directed, from time to time, by the said corporation:

Proviso.

Provided, nevertheless, That in case any donation shall hereafter be made for particular purposes, relative to the design of this institution, and the corporation shall accept and receive the same, every such donation shall be applied in conformity to the intention and direction of the donor or donors.

Treasurer to give bond.

SEC. 13. That the treasurer of the said University shall, before he enters upon the execution of the duties of his office, give bonds to the said corporation, in such sums and with such sureties, as they shall approve of, conditioned for the faithful discharge of the duties of the said office, and for rendering a just and true account of his doings therein, when required; and also for delivering over to his successor in office, all monies, securities and other property that shall belong to the president and trustees of the said University, together with all the books and papers in which his proceedings as treasurer shall be entered and kept, that shall be in his hands at the expiration of his office, and all money that shall be recovered by virtue of any suit at law, upon such bond, shall be paid over to the president and trustees aforesaid, and be subjected to the appropriations above directed in this act.

Lands and buildings exempt from taxation.

SEC. 14. That the lands in the two townships, appropriated and vested as aforesaid, with the buildings which may be erected thereon, for the accommodation of the president, professors and other officers, students and servants of the University, and any buildings appertaining thereto, and also the dwelling-houses and out-houses, or other buildings of the tenants or lessees, now erected and built, or which may hereafter be built and erected, on the lands within the said townships, shall forever be exempted from all territorial and state taxes: *Provided nevertheless,* That such exemption shall not exclude them from enjoying and exercising all the rights and privileges which otherwise they would be entitled to, under the eleventh section of this act: *Provided also,* That nothing in this section contained shall be construed as an exemption of the land, houses and other property, which now is, or hereafter may be, found or built within the said townships, from the payment of county taxes, rates and levies; but the said

Proviso.

Proviso.

land, houses and other propperty, now or hereafter to be found in the said townships, are hereby declared subject to the payment of county taxes, rates and levies, in the county in which the said townships are or shall be situated, any thing in this section to the contrary thereof notwithstanding: *And provided also*, That the polls and personal estates of such persons as may and shall live within the said townships, shall be and remain subject to taxation in common with those of other citizens within the territory or state in which the same may be. Proviso.

SEC. 15. That it shall be lawful for the aforesaid corporation, or for the trustees acting under this act as herein after mentioned, to lease for a small annual rent, on condition of a capital sum being paid in hand or secured to be paid, the whole or any part of the house, lots, and out lots of five acres in the town of Athens, laid out agreeably to a resolution of the General Assembly of the Territory, made and approved December the eighteenth, one thousand seven hundred and ninety-nine, by Rufus Putnam, Benjamin Ives Gilman and Jonathan Stone, Esquires, a committee in the said resolution, named and appointed for that purpose; and the capital sum or sums of money, which shall be so received, or so much thereof as the corporation shall judge expedient, shall be applied by the trustees to the purpose of erecting buildings for the accommodation of the president, officers and students of the University. Trustees may lease five acres, &c.
Rents how applied.

SEC. 16. That the before named trustees and their successors, and such others as shall be duly elected members of the said corporation, be, and they are hereby empowered to elect a president of the said University, whenever they shall judge it expedient. Trustees may elect a president.

SEC. 17. That until a president of the said University shall be elected, and shall have entered upon the duties of his office, and also in all cases of a vacancy or the absence of the president, the said trustees shall appoint one of their members to preside in their meetings, and all the doings and acts of the trustees, while acting under such circumstances, shall be considered in law as the doings and acts of the corporation, as fully and completely as when the president of the University shall be in office and preside. Who shall supply vacancy.

SEC. 18. That the legislature of the territory or the legislature of the state within which the said University is or may be founded, may grant any further and greater powers to, or alter, limit or restrain any of the powers by this act vested in the said corporation,* as shall be judged necessary to promote the best interest and prosperity of the said Uni- Powers reserved.

*By the act of Feb. 18, 1804, this corporation is dissolved, so far as the creation of another, with different privileges and powers, can work a dissolution. It is, however, presumed, that it must still operate upon contracts made in conformity with its provisions. Hence it is here inserted.

Hon. R. Putnam may call first meeting. **versity, with all necessary powers and authority for the better aid, preservation and government thereof.**

SEC. 19. That the Hon. Rufus Putnam, Esquire, shall be, and he is hereby authorized and empowered, to fix the time and place for holding the first meeting of the said corporation, of which he shall give notice in writing to each member, at least fourteen days previous to such meeting.



[Resolution of April 16, 1803, 1. v. L. O. p. 148]

Comm'rs appointed to value lands in Athens.

Resolved, That Samuel Carpenter, James Wells and Henry Abrams, be appointed commissioners to appraise the land included within the two college townships in the county of Washington, at its real value in its original and unimproved state; to divide and value said land into four different qualities or rates, and make return of the quantity contained in each division as near as may be, and the value thereof, to the next General Assembly, on oath. And that the said commissioners also value the land in its present situation, mentioning the number of houses and quantity of cleared land contained within the two townships.

Resolved, That the trustees appointed by the act, entitled "An act establishing an University in the town of Athens," be and they are hereby required, to report to the next General Assembly of this state, what measures they have taken to carry the said act into operation.



[Act of February 18, 1804, 2 v. L. O. p. 193.]

An act establishing an University in the town of Athens.

Preamble.

WHEREAS institutions for the liberal education of youth, are essential to the progress of arts and sciences, important to morality, virtue and religion, friendly to the peace, order and prosperity of society, and honorable to the government that encourages and patronizes them: Therefore,

University established.

SEC. 1. That there shall be an University instituted and established in the town of Athens, in the ninth township of the fourteenth range of townships, within the limits of the tract of land purchased by the Ohio Company of Associates, by the name and style of the "Ohio University," for the instruction of youth in all the various branches of liberal arts and sciences, for the promotion of good education, virtue, religion and morality, and for conferring all the degrees and literary honors granted in similar institutions.

SEC. 2. That there shall be and forever remain in the said ^{Corporate} University, a body politic and corporate, by the name and style of "The President and Trustees of the Ohio University;" which body politic and corporate shall consist of the governor of the state, (for the time being) the president, and not more than fifteen nor less than ten trustees, to be appointed as herein after is provided.

SEC. 3. That Elijah Backus, Rufus Putnam, Dudley Wood-bridge, Benjamin Tappan, Bazaleel Wells, Nathaniel Massie, Daniel Symmes, Daniel Story, Samuel Carpenter, the Rev. James Kilbourn, Griffin Greene, senior, and Joseph Darlington, Esquires, together with the governor as aforesaid, and the president of the said University (for the time being) to be chosen as herein after directed, be, and the same are hereby created, a body politic and corporate, by the name of "The President and Trustees of the Ohio University;" and that they, and their successors, and such others as shall be duly elected members of the said corporation, shall be and remain a body politic and corporate in law, by that name forever. ^{Persons appointed trustees.}

SEC. 4. That the said trustees shall have power and authority to elect a president, who shall preside in the University, and also to appoint a secretary, treasurer, professors, tutors, instructors, and all such officers and servants in the University as they shall deem necessary for the carrying into effect the designs of the institution, and shall have authority, from time to time, to determine and establish the name, numbers and duties of all the officers and servants to be employed in the University, except wherein provision is otherwise made by this act, and may empower the president or some other member of the corporation, to administer such oaths as they shall appoint and determine, for the well ordering and good government of the University: *Provided nevertheless,* ^{Powers of the trustees.} That no corporation business shall be transacted at any meeting, unless seven of the trustees, at least, shall be present.

SEC. 5. That the said corporation shall have power and authority, from time to time, to make and ordain reasonable rules, orders and by-laws for the government of the corporation, not incompatible with the constitution, laws and ordinances of the United States or this state, and the same to repeal as occasion may require, and also to determine the salaries, emoluments and tenures of their several officers. ^{Rules, by-laws, &c. may be made.}

SEC. 6. That the said corporation shall have power and authority to suspend or remove the president or any member of the said corporation, who shall, by his misconduct, render himself unworthy of the office, station or place he sustains, or who, from age or other infirmity, is rendered incapable to perform the duties of his office; and the said corporation shall have power and authority to suspend or remove from ^{Officers may be removed.}

the University, any professor, instructor or resident student, or servant, whenever the corporation shall deem it expedient for the interest and honor of the University.

Corporation
may fill va-
cancies.

SEC. 7. That whenever the president or any member of the corporation shall be removed, by death, resignation or otherwise, during the recess of the legislature, the corporation shall hold a meeting (due notice of the design of which meeting shall be given to the several members) for the supplying such vacancy; and the person elected shall continue in office until the end of the next session of the legislature, and no longer, by virtue of such appointment; and in order to choose a president or member of the corporation, there shall be, at least, two-thirds of the whole number of said trustees present, and the said election shall be by ballot.

SEC. 8. That when any member of the corporation shall be removed by death, resignation or otherwise such vacancy shall be supplied at the next meeting of the legislature of the state.

Power of the
Faculty of the
University.

SEC. 9. That the president and such professors, tutors and instructors, as the corporation shall appoint for that purpose, shall be styled, "The Faculty of the University," and shall have power and authority, from time to time, to ordain, regulate and establish, the mode and course of education and instruction to be pursued in the University, and also to make, publish and execute, such code of rules, regulations and by-laws, as they shall deem necessary for the well ordering and good government of the University, and to repeal or amend any part thereof; which rules, regulations and by-laws shall continue in force until altered or disapproved of by the corporation; and it shall be the duty of the faculty, to lay before the corporation, from time to time, accurate statements, of all their proceedings; and the faculty shall direct and cause to be holden in the said University, quarterly, in every year, a public examination, at which time the faculty shall attend, when each class of the students shall be examined relative to the proficiency they shall have made in the particular arts and sciences, or branches of education in which they shall have been instructed.

Seal of the
corporation.

SEC. 10. That the said corporation may have and keep one common seal, which they may change or renew at pleasure; and that all deeds or instruments of writing, signed and delivered by the treasurer, and sealed with the corporation seal, by order of the president and trustees, shall, when made in their corporate name, be considered in law as the deed and act of the corporation; and the said corporation shall be capable of suing and being sued, pleading and being impleaded, in any action, real, personal or mixed, and the same to prosecute and defend to final judgment and execution, by the name of "The President and Trustees of the Ohio University:" *Provided*, That when any suit shall be commen-

May sue, &c.

Proviso.

ced against the said corporation, the process shall be by summons, and the service made by the officer leaving an attested copy of such process with the treasurer of the said corporation, at least twenty days before the return day of such process; and the said corporation shall be capable of having, holding and taking, in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands or other estate, real or personal.

SEC. 11. That the two townships numbered eight and nine, in the fourteenth range of townships, within the grant of land made by Congress to the Ohio Company of Associates, be and they are hereby vested in the corporation, by this act created, in trust, for the sole use, benefit and support of the said University, forever.

Township 8 and 9 vested in the corporation.

SEC. 12. That one or more of the aforesaid trustees (to be appointed by the board for this purpose) shall, within six months from the passage of this act, proceed (by the oath of three disinterested and judicious freeholders) to lay off the lands in said township, (those included in the town of Athens excepted) or such part thereof as they may deem expedient, into tracts of not less than eighty nor more than two hundred and forty acres, and to estimate and value the same as in their original and unimproved state (for which service such compensation shall be allowed as the trustees shall think reasonable, to be paid out of the funds of the University) and having thus laid off and estimated said lands, the trustees, after giving four weeks notice in the newspaper printed at Marietta, shall proceed to make out leases of the said tracts to such of the present occupants as shall apply for the same, within three months after such notice given, and to all persons that shall apply hereafter, for the term of ninety years, renewable forever, on a yearly rent of six per centum on the amount of the valuation so made by the said freeholders; and the land so leased shall be subject to a revaluation, at the expiration of thirty-five years, and to another revaluation at the expiration of sixty years, from the commencement of the term of each lease; which revaluation shall be conducted and made on the principles of the first, and the lessee shall pay a yearly rent of six per centum on the amount of the revaluation so to be made, and forever thereafter on a yearly rent equal to and not exceeding six per centum of the amount of a valuation to be made as aforesaid, at the expiration of the term of ninety years aforesaid (which valuation the trustees and their successors are hereby authorized and directed to make:) *Provided however*, That such last mentioned rent shall be subject to the following regulations, to wit: At the expiration of the aforesaid period of ninety years, three referees shall be appointed, the first by the corporation of the University; the second, by the lessees, under the provisions of this section, of this act, and the third, by the two referees

Lands to be laid off into lots and appraised.

Notice to be given and leases made.

Revaluation to take place.

Proviso: referees to be appointed.

thus chosen, (or in case either or both of the parties shall neglect to choose such referee or referees, or said referees shall neglect to choose an umpire,) the General Assembly, at its next session, shall appoint such number of referees, not exceeding three, as the case may require; which referees shall meet within a reasonable time, to be agreed on between them, at the town of Athens, and then and there determine on and declare the medium price per bushel of the article of wheat; which determination shall be grounded on a calculation of the average price of said article at the town of Marietta, for the five preceding years; which declaration shall be made in writing, and entered of record on the books of the corporation; and at the commencement of each and every succeeding period of twenty years thereafter, the amount of rent for such period shall be fixed on and determined by referees, to be chosen upon the principles herein before directed, from a comparison of the aforesaid recorded price of wheat, with its average price at Marietta, for the five years, which shall have been then last past; in which leases shall be reserved a right of distress and of re-entry for non-payment of rent, at any time after it shall have been due two months: *Provided always*, That the said corporation shall have power to demand a further yearly rent on the said lands and tenements, not exceeding the amount of the tax imposed on property of like description by the state, which rents shall be paid at such time and place to such person and collected in such manner as the corporation shall direct.

Proviso: corporation may
distrain.

Trustees to
lay out town,
give notice,
sell lots, execute
leases,
&c.

SEC. 13. That the trustees shall lay off the aforesaid town of Athens, conformably to a plan made out by Rufus Putnam and others, in pursuance of a resolution of the territorial legislature of the eighteenth December, one thousand seven hundred and ninety-nine, with such variations however, as they may find it expedient to make; and the same being thus laid off, and a plat of the same with a designation of the uses of the several parts recorded in the office of the recorder of the proper county, and six weeks previous notice given, in at least two of the newspapers of this state, may proceed to sell, from time to time, at public auction, such of the houses and out-lots as they may think proper, for which lots, on payment being made or satisfactory security given, according to the conditions of such sale, they shall execute to the purchasers respectively, leases for the term of ninety years, renewable forever on a annual rent, equal to, and not exceeding, six per centum of the amount of the purchase money, which lots, with the improvements which may be made on the same, shall be subject to such further yearly rent as may be equal to the tax imposed from time to time, on property of like value and description, by the state; and they are likewise authorized to deliver a reasonable compensation for the improvements

which have been made on lands within the town of Athens, to be paid out of the funds of the University.

SEC. 14. That the clear annual rents, issues and profits, ^{Appropriation of rents, &c.} of all the estate, real and personal, of which the said corporation shall be seized or possessed, in their corporate capacity, shall be appropriated to the endowments of the said University, in such manner as shall most effectually promote the end of the institution; *Provided nevertheless*, That any donation which shall hereafter be made and received for particular purposes, relative to the design of this institution, shall be applied in conformity to the intention of the donor or donors. ^{Proviso.}

SEC. 15. That the treasurer of the said corporation shall, before he enters upon the duties of his office, ^{Treasurer to give bond.} give bonds to the said corporation, in such sum and with such sureties as they shall approve, conditioned for the faithful discharge of the duties of the said office, and for the rendering a just and true account of his doings therein, when required; and also, for the delivering over to his successor in office, all monies, securities and other property, that shall belong to the president and trustees of the said University, together with all the books and papers in which his proceedings, as treasurer, shall be entered and kept, that shall be in his hands at the expiration of his office; and all money that shall be recovered by virtue of any suit at law upon such bond, shall be paid over to the president and trustees aforesaid, and be subject to the appropriations above directed in this act.

SEC. 16. That the said corporation shall have full power ^{Corporation may erect buildings.} from time to time, to contract for, and cause to be erected, such building or buildings as they shall deem necessary, for the accommodation of the president, professors, tutors, pupils, and servants, of said University; as also, to procure the necessary books and apparatus, for the use of said University, and shall cause payment therefor to be made out of the funds of the University, and shall reserve such lot or lots in said town of Athens, as they may deem necessary for the purposes aforesaid, and for the erection of buildings for the use of the town and county.

SEC. 17. That the lands in the two townships, appropriated and vested as aforesaid, with the buildings which are ^{Lands and buildings exempt from taxation.} or may be erected thereon, shall forever be exempted from all state taxes.

SEC. 18. That until a president of the said University shall be elected, and shall have entered upon the duties of his office, and also, in all cases of a vacancy or the absence of the president, the said trustees shall appoint one of their members to preside in their meetings, and all the doings and acts of the trustees, while acting under such circumstances, shall be considered in law as the doings and acts of the cor- ^{Trustees may appoint one of their number President.}

the aforesaid townships, as have not been heretofore appraised, whenever they may deem it expedient.

Part of act repealed.

SEC. 3. That so much of the act, entitled "An act to amend the act, entitled "An act establishing an University in the town of Athens," passed the twenty-first day of February, one thousand eight hundred and five, as is contrary to the provisions of this act, be, and the same is hereby repealed.

Effect.

This act shall take effect, and be in force, from and after the passage thereof.



[Act of February 20, 1808, 6 v. L. O. p 172.]

An act altering several acts, establishing an University in the town of Athens.

Freeholders.

SEC. 1. That all persons residing in either of the two College townships, numbered eight and nine, in the Ohio Company's Purchase and hold leases of land shall be considered as freeholders.

Part of act repealed.

SEC. 2. That the second section of the act, entitled "An act supplementary to the act, entitled "An act to amend an act, entitled "An act establishing an University in the town of Athens," which allows a compensation to the trustees for their services, be, and the same is hereby repealed.

Treasurer's & collectors' duty when lessees are delinquent.

SEC. 3. That it shall be the duty of the treasurer of the corporation of the Ohio University, in all cases where the rent of any person or persons have been due for two months, immediately to transmit a certified copy, under his hand and the seal of said corporation, to the collector of the said corporation, an accurate list of all such delinquents, which said list, certified as aforesaid, shall be sufficient power for the collector to distrain on the goods and chattels, of each and every delinquent, and the same to advertise in three public places in the township in which said goods and chattels are distrained, ten days previous to the sale; and the said collector shall then proceed to sell the same at public vendue, and the rent and costs forthwith to pay to the treasurer of said Ohio University, and the overplus, if any, to refund to the delinquent: and for want of goods and chattels to re-enter and take possession of the premises for the use of the trustees of the said University, as is provided by law: and the said collector shall receive the same compensation for his services as sheriffs do in similar cases: *Provided however,* That if any delinquent or delinquents, shall think himself aggrieved, he shall have his action against the said treasurer or collector, (as the case may be) or both, and shall recover all damages he may unjustly sustain.

Proviso.

SEC. 4. That Eliphaz Perkins, Silvanus Ames, Jehiel Gregory, Abel Miller, Leonard Jewitt, and Moses Hewitt, be appointed Trustees appointed. in addition to the present number of trustees of said Ohio University.

SEC. 5. That the said corporation shall have power and authority to adjourn to any period they may think proper; and the number of trustees of said University, shall never exceed nineteen, nor be less than eleven, any five of whom shall be a quorum to transact any business of said corporation. Number of trustees.

SEC. 6. That all laws, and parts of laws, that are contrary to the provisions of this act, be, and the same are hereby repealed. Laws repealed.

This act to be in force from and after its passage.

Effect.

[Act of February 15, 1809, 7 v. L. O. p. 167.]

An act amendatory to the several acts appointing trustees to the Ohio University, and for other purposes.

SEC. 1. That Robert G. Wilson, Jesup N. Couch, John P. R. Bureau, Elijah Hatch, junr. and Henry Abrams, be, and they are hereby appointed trustees of the Ohio University. Trustees appointed.

SEC. 2. That the trustees shall have power and authority, until the year one thousand eight hundred and eleven, to receive of any of the lessees in payment of rent, such article or articles of produce as may by them be agreed on at any regular meeting of said trustees: *Provided*, it shall not exceed two-thirds of the annual rents. Trustees may receive produce.

SEC. 3. That nine of the trustees of said University, shall be hereafter necessary to form a quorum to transact the business of said corporation, any law to the contrary notwithstanding. Number to form a quorum.

SEC. 4. That the trustees shall have authority to resurvey, or cause to be resurveyed, any large tract of land (at the request and expense of the lessee) and the same to lay off in such lots as they shall think will best promote the interest of said institution. Lands to be resurveyed.

SEC. 5. That when a tract of land has been surveyed and leased to one or more persons, and by him or them sold to one or more persons, he, she, or they, shall be entitled to receive from the treasurer of said institution, separate leases in their own names, by paying a reasonable compensation therefor, to be agreed on by the trustees, at a regular meeting. Leases may be sued in name of assignees.

This act to take effect, and be in force, from and after its passage.

[*Act of January 28, 1811, 9 v. L. O. p. 57.*]

An act to incorporate the town of Athens, and for other purposes.

Trustees of O.
University
may lease lots
to the county
of Athens.

SEC. 11. That the trustees of the Ohio University are hereby authorized and directed to lease to the commissioners of the county of Athens, for the time being, in-lots number thirty-five and thirty-seven, on which the court-house and jail now stand, and also in-lot number eighteen, reserved for the purpose of building a school-house and meeting-house, on a nominal rent for ninety-nine years, renewable forever; also, to lease on the terms aforesaid, the ground reserved for a burying ground.

Effect.

This act to be in force from and after the passage thereof.

[*Act of January 29, 1811, 9 v. L. O. p. 63.*]

An act to amend the act, entitled "An act amendatory to the several acts appointing trustees to the Ohio University, and for other purposes," passed February fifteenth, one thousand eight hundred and nine.

Part of act
revived.

SEC. 1. That the second section of the above recited act be, and the same is hereby revived, and declared to be in force until repealed by a future legislature.

Effect.

This act to be in force from and after its passage.

[*Act of February 15, 1812, 10 v. L. O. p. 96.*]

An act to amend the act, entitled "An act to incorporate the town of Athens, and for other purposes."

Trustees of O.
University
may give a
lease for nomi-
nal rent.

SEC. 1. That the trustees of the Ohio University are hereby authorized and directed to lease to the trustees and their successors in office, of the town of Athens, town lot number eighteen, reserved for the purpose of building a meeting-house and school-house thereon, for the use of the town aforesaid, on a nominal rent for ninety-nine years, renewable forever. Also, to lease on the terms aforesaid, the lot laid out for a burying ground, for the use of all who may wish to inter their friends therein. Also, to lease to the Methodist society in the town of Athens, on the terms aforesaid, a piece of the public commons which adjoins out-lot number sixty-one, beginning at the southeast corner of said lot; thence east four chains; thence north eight chains; thence west four chains; thence south to the place of beginning; which lot, when laid out, shall be for the use of said

Methodist society for the purpose of a burying ground, and to build a meeting-house thereon, and such other uses as the said society may think proper, for the purposes of worship, agreeably to their profession and faith.

[Act of February 15, 1812, 10 v. L. O. p. 97.]

An act to authorize the trustees of the Ohio University to issue orders in certain cases, and for other purposes.

(Preamble.)

SEC. 1. That the trustees of said University be, and they hereby are authorized, from time to time, to loan, at the rate of six per centum per annum, any part of the collected funds of the institution, not by them deemed necessary, immediately to apply to the support and improvement of the seminary: *Provided*, That none be let or loaned for a longer time than one year, and to no person whatever, unless good security be given for the punctual repayment thereof. Trustees authorized to loan the fund. Proviso.

SEC. 2. That it shall be lawful for the trustees afore-said, if to them it seem for the benefit of said institution, to anticipate the collection of the rents aforesaid, by issuing orders upon the treasurer in favor of any person or persons, by way of loan: *Provided always*, That when such orders are given for the purpose of loaning as aforesaid, the person or persons applying therefor, shall give security as aforesaid for the faithful repayment of the amount thereof, with legal interest in one year from the date of such order or orders; and the orders so issued, annually, shall never exceed the whole amount of rents, payable the succeeding year; and such orders shall be negotiable, and shall be received by the collector or treasurer in payment of rents, or any other debts due from individuals to the said institution from the time such orders may be payable, and such orders shall not bear interest. They may draw orders. Proviso.

SEC. 3. That the trustees aforesaid shall, at their next regular session, by an ordinance by them to be passed, establish the form and conditions of making such loans, and the form and times of making application therefor, and also any proper regulations relative to the repayment of the sums loaned: *Provided, always*, That no loan shall be made for a smaller sum than fifteen dollars; and such applicants as may desire small loans, not exceeding forty dollars, shall have the preference: *Provided*, Unexceptionable security be given as aforesaid; and for the purpose of enabling such applicants for small sums to obtain such preference, the trustees aforesaid shall appoint the month of April, annually, during which small loans only shall be made. Conditions of making loans. Proviso. Proviso.

Interest how
appropriated.

SEC. 4. That the amount of interest made and collected by reason of any loan by this act authorized, shall be a fund, subject to pay the reasonable and contingent expenditures incurred in the transaction of the business of said institution, and subject to the order and appropriation of said trustees for such purpose.

[*Resolution of February 20, 1812, 10 v. L. O. p. 198.*]

Resolution appointing trustees of the Ohio University.

Resolved, That Samuel P. Hildreth and Seth Adams, be and they are hereby appointed trustees for the Ohio University, in place of Jehiel Gregory and John P. R. Bureau, resigned.

[*Act of January 12, 1813, 11 v. L. O. p. 27.*]

An act to enlarge the College green in the town of Athens.

P. & trustees
of the O. Uni-
versity may
vacate lots.

SEC. 1. That the president and trustees of the Ohio University be, and they are hereby authorized, to vacate in-lots numbers fifty-five and fifty-six in the town of Athens, provided, said lots remain unsold; and the president and trustees aforesaid, are hereby empowered to purchase in-lots numbers fifty-seven and fifty-eight, for a reasonable value, to be paid the proprietors thereof out of the funds of the University, or to exchange therefor such other unsold lot or parcels of land belonging to the College township, as may best promote the interest of the University, and that they be required to attach the ground vacated and purchased as aforesaid, to the College green in said town.

A street may
be extended.

SEC. 2. That the president and trustees aforesaid, are hereby authorized to extend Court-street south to the extreme point of in-lot number seventy-seven, in the town aforesaid.

[*Resolution of February 6, 1813, 11 v. L. O. p. 178.*]

Resolved, That so much of the resolution, entitled "A resolution for the election of a senator in Congress, and other officers," as requires that a trustee of the Ohio University, be elected, by ballot, be repealed, and that William Wilson, esquire, be appointed a trustee in the room of Joseph Buell, esquire, deceased.*

*No such resolution as the one referred to can be found.

[*Resolution of February 16, 1815, 13 v. L. O. p. 332.*]

Resolved, That John Lawrence Lewis, esquire, and Joseph Wood, esquire, of Washington county; the Reverend James Culbertson, of Muskingum county; and Charles R. Sherman, of Fairfield county, be, and they are hereby appointed trustees for the Ohio University, in place of Benjamin Tupper and Moses Hewett, deceased, and Henry Abrams, resigned, and Leonard Jewett, expelled.

MIAMI UNIVERSITY.

[*Act of April 15, 1803, 1 v. L. O. p. 66.*]

An act to provide for the locating a College township in the district of Cincinnati.

SEC. 1. That one complete township in the district of Cincinnati, or so much of any one complete township within the same as may remain unsold together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, shall be located and entered in due form with the register of the United States land office at Cincinnati, on or before the first day of October next, for the use and support of an Academy, in lieu of the College township heretofore granted in trust to John C. Symmes, and his associates, by the United States, and in pursuance of and agreeably to an act of Congress, entitled "An act in addition to and in modification of the propositions contained in the act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states and for other purposes."

SEC. 2. That Jeremiah Morrow, Jacob White and William Ludlow, be constituted and the same are hereby constituted and appointed commissioners, to do, perform, and transact all and every matter and thing that is necessary to be done in locating and registering the said College township or thirty-six sections of land. And the said commissioners after being duly sworn, faithfully to discharge their trust, in this behalf, shall proceed without loss of time, to explore the vacant or unlocated lands of the United States in the said district of Cincinnati, and after due examination shall select such tract or tracts (as the case may require) as are the most valuable, having due regard to the quality of the land, the situation for health, the goodness of the water, and the advantage of inland navigation. And after the location shall

Comm'rs appointed, and their duty.

have been so made and registered, the said commissioners shall procure two fair copies of the same location and entry from the register of the land office, one of which shall be transmitted to the secretary of the treasury of the United States and the other shall be deposited with the secretary of the state of Ohio: *Provided however*, That if any of the aforesaid commissioners should die, remove or refuse to act, then and in that case the two remaining commissioners shall proceed to locate and register the said College lands in the manner prescribed by this act.



[Act of February 9, 1809, 7 v. L. O. p. 184.]

An act to establish the Miami University.

University
established.

SEC. 1. That there shall be an University established and instituted, in the manner hereafter directed, within that part of the country known by the name of John Cleves Symmes' Purchase, which University shall be designated by the name and style of the Miami University, for the instruction of youth in all the various branches of the liberal arts and sciences, for the promotion of good education, virtue, religion and morality, and for conferring all the literary honors granted in similar institutions; and the benefits and advantages of the said University shall be open to all the citizens within this state.

Body politic.

SEC. 2. That the president and trustees of the Miami University, are hereby created a body politic and corporate by the name of "The President and Trustees of the Miami University," which body politic shall consist of a president and not more than fourteen, nor less than seven trustees, whose time of service or appointment shall be for three years.

Names of trustees.

SEC. 3. That Hiram Mirach Curry and William Ward, of Champaign county; James Brown and David H. Morris, of Miami county; William McClure and Benjamin Van Cleve, of Montgomery county; Benjamin Whiteman and Andrew Reed, of Greene county; John Bigger and Ichabod B. Halsey, of Warren county; John Reily and Thomas Irwin, of Butler county; John Riddle and Joseph Vanhorn, of Hamilton county, together with the president for the time being, be, and they are hereby erected a body politic and corporate, by the name of the President and Trustees of the Miami University; and that they, and their successors and such others as shall be duly elected members of the said corporation, shall be and remain a body politic and corporate in law, by that name.

To elect a
President.

SEC. 4. That the said trustees shall have power and authority to elect a president, who shall preside in the said University; and also to appoint a secretary, treasurer, collector, professors, tutors, instructors, and all such officers and servants

in the University, as they shall deem necessary for carrying into effect the design of the institution, and shall have authority, from time to time, to establish the name and number, and prescribe the duties of all the officers and servants to be employed in the University, except herein otherwise provided, and may empower the president or some other member of the corporation, to administer such oaths as they shall authorize, *Oaths.* for the good government and well ordering of the said University: *Provided,* That no business of the corporation shall *Proviso.* be transacted at any meeting, unless seven of the said trustees shall be present.

SEC. 5. That the said corporation shall have power and *Rules, by-* authority, from time to time, to make and ordain rules, ordi- *laws, &c.* nances and by-laws, for the government of the corporation, not incompatible with the laws of the United States or this state, and the same to repeal as occasion may require, and also to determine the salaries, emoluments and tenures of their several officers. [*offices.*]

SEC. 6. That the said corporation shall have power and *Corporation* authority to suspend and dismiss the president, or any mem- *may dismiss* ber of the said corporation, who shall, by his misconduct, *officers.* render himself unworthy of the office, station or place he sustains, or who from age or other infirmity, is rendered incapable to perform the duties of his office; and the said corporation shall have power and authority to suspend, dismiss and remove from the University, any professor or instructor, whensoever the corporation shall deem it expedient for the interest and honour of the University: *Provided,* That two-thirds of the corporation shall be present, when any such person shall or may be suspended, removed or dismissed.

SEC. 7. That the trustees shall have power to fill all vacan- *Vacancies,* cies, which may happen in their board, during the recess of *how filled.* the legislature, out of the counties where such vacancy shall happen, who shall continue in office until the end of the next session of the legislature; and the president shall make report thereof to the governor, to enable him to lay the same before the next legislature.

SEC. 8. That the president and such professors as the cor- *Faculty.* poration shall appoint, shall be styled the faculty of the University, and shall have power with the approbation of the corporation or trustees, from time to time, to ordain, regulate and establish the mode and course of education and instruction to be pursued in the University, and also with the approbation of the corporation as aforesaid, to make public and execute such code of rules, regulations and by-laws, as they shall deem necessary for the well ordering and good government of the *May make* University, and to repeal or amend any part thereof, which *laws.* rules, regulations and by-laws, shall continue in force until altered or repealed by the corporation, and the faculty shall lay before the corporation, from time to time, accurate state-

ments of all their proceedings; moreover, the faculty shall direct and cause to be holden in the said University, at least once in every year, a public examination, at which time the faculty shall attend, when each class of the students shall be examined relative to the proficiency they shall have made in the particular branches of education in which they shall have been instructed.

Common seal. SEC. 9. That the said corporation shall have and keep one common seal which they may change, break or renew at pleasure, and that all deeds and instruments of writing, signed and delivered by the treasurer, and sealed with the corporation seal, by order of the president and trustees, shall, when made in their corporate name, be considered in law as the deed and act of the corporation, and the said corporation shall be capable of suing and being sued, pleading and being impleaded in any action, real, personal or mixed, and the same to prosecute or defend to final judgment and execution by the name of the president and trustees of the Miami University: *Provided*, That whenever any suit shall be commenced against the said corporation, the process shall be a summons, and the service made by the officer leaving an attested copy of such process with the treasurer of the said corporation, and the said corporation shall be capable of having and holding in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands or other estate, real or personal.

May sue and be sued.

Preamble. SEC. 10. Whereas the Congress of the United States, by their act of the third of March, one thousand eight hundred and three, did vest in the legislature of the state of Ohio, one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as there remained unsold, together with as many adjoining sections as should have been sold in the said township, so as to make in the whole, thirty-six sections, to be located under the direction of the legislature of the state of Ohio, on or before the first day of October, then next, with the register of the land office at Cincinnati, for the purpose of establishing an Academy in lieu of the township then granted for the same purpose, by virtue of the act, entitled, "An act, authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates."

And whereas the said lands have been located and surveyed for the purpose aforesaid: Therefore, *Be it further enacted*, That the said lands, so as aforesaid, be, and the same are hereby vested in the said corporation, which, by this act is created, and their successors forever, for the sole use, benefit and support of the said University, to be holden by the said corporation, in their corporate capacity, with full power and authority to divide, sub-divide and expose the same to sale in tracts of not less than eighty, nor more than one

Corporation to sell lands.

hundred and sixty acres, and for the term of ninety-nine years, renewable forever, subject to a valuation every fifteen years, always considering the land in an unimproved state, for the purpose of valuation, and provided that the land shall be offered at auction for not less than two dollars per acre, **Conditions.** and the tenants or lessees shall pay six per cent. per annum on the amount of their purchase, during the continuance of their leases; and the said tenants or lessees shall enjoy and exercise all the rights and privileges which they would be entitled to enjoy, did they hold the said lands in fee simple, any law to the contrary notwithstanding: *Provided*, That the trustees shall have power to reserve one mile square, for the purpose of laying out a town, which they may lay out and lease in lots of such size, as they, or a majority of them, shall think proper. **Proviso.**

SEC. 11. That the clear annual rents, issues and profits of all the estate, real, personal or mixed, of which the said corporation shall be seized or possessed in their corporate capacity, shall be appropriated to the endowment of the said University, in such manner as shall most effectually promote virtue, morality, piety and knowledge of such languages, liberal arts and sciences, as shall hereafter be directed, from time to time, by said corporation: *Provided*, That in case any donation shall hereafter be made for particular purposes, relative to the design of this institution, and the corporation shall accept and receive the same; every such donation shall be applied in conformity to the intention, to [of] the donor. **Proceeds how appropriated.** **Proviso.**

SEC. 12. That the treasurer of the said University shall be chosen by the trustees once in three years, who shall not be of the body of trustees; he shall, before he enters upon the duties of his office, give bond to the corporation, in such sum, and with such security, as the said corporation shall approve, conditioned for the faithful discharge of the duties of said office, and rendering a just and true account when thereunto required, and also for delivering over to his successor in office, all monies and securities, and other property that shall belong to the president and trustees of the said University, together with all the books and papers in which his proceedings as treasurer shall be entered and kept, that shall be in his hands at the expiration of his office, and all money that shall be recovered by virtue of any suit at law, upon such bond, shall be paid over to the president and trustees aforesaid, and be subject to the appropriations above directed in this act. **Treasurer, when chosen.** **Bond.** **Duty.**

SEC. 13. That the lands appropriated and vested in the corporation, with the buildings which may be erected thereon for the accommodation of the president, professors and other officers, students and servants of the University, and any buildings appertaining thereto; and also the dwelling-house **Land exempt from taxes.**

and other buildings which may be built and erected on the lands, shall be exempt from all state taxes.

Trustees may appoint one of their body president.

SEC. 14. That until a president of the said University shall be elected and shall have entered upon the duties of his office, and also in case of vacancy or the absence of the president, the said trustees shall appoint one of their body to preside, and all the proceedings of the trustees, while acting under such circumstances, shall be considered in law as the acts of the corporation, as fully and completely as when the president of the University shall preside.

Legislature may limit powers.

SEC. 15. That the legislature of this state may grant any further and greater powers to, or alter, limit or restrain in any of the powers by this act, vested in the said corporation, as shall be necessary to promote the best interest of the said University, with all necessary powers and authority for the better aid, preservation and government thereof.

Distress for rent allowed.

SEC. 16. That the treasurer shall, in all cases, where the rent of any person or persons have been due for three months, immediately transmit a certified copy under his hand and seal of the said corporation, to the collector of the said corporation, an accurate list of all such delinquents, which said list, certified as aforesaid, shall be sufficient power for said collector to distrain on the goods and chattels of each and every delinquent; and the same to advertise in three public places in the township in which said goods and chattels are distrained, ten days previous to the sale; and the said collector shall then proceed to sell the same at public vendue, and the rents and costs forthwith to pay to the treasurer, and the overplus, if any, to refund to the said delinquent. But for want of goods and chattels whereon to levy, then to re-enter and take possession of the premises for the use of the trustees of the said University; and the said collector shall receive the same compensation for his services as sheriff's do in similar cases: *Provided however*, That if any delinquent or delinquents shall think himself aggrieved, he shall have his action against the said treasurer, or collector (as the case may be) or both, and shall recover all damages which he may have unjustly sustained.

Re-entry allowed for non-payment of rent.

Proviso.

Commissioners to locate University.

SEC. 17. That Alexander Campbell, the Rev. James Kilbourn, and the Rev. Robert G. Wilson, be, and they are hereby appointed commissioners, who shall fix on the place for the permanent seat of the University, and shall receive such compensation out of the state treasury, as the ensuing legislature shall direct.

When to meet.

SEC. 18. That the commissioners aforesaid, shall meet on the first Tuesday in June next, in the town of Lebanon, in the county of Warren, and after having taken an oath or affirmation, before some officer legally authorized to administer the same, faithfully to discharge the duties assigned them by this act, shall then proceed to examine and select the most

Oath.

proper place for the seat of the University, in such part of John Cleves Symmes' Purchase, as an eligible place can be found, paying regard to the health and convenience of the situation, and such other circumstances as in their opinion will tend to advance the interest and promote the welfare of the institution, and the decision of a majority of all the commissioners in favour of any one place, shall be sufficient for fixing the seat of the said University; and it shall be the duty of the trustees, at least twenty days previous to the meeting of the commissioners, to have their [the] time and place published in at least three newspapers, within John Cleves Symmes' Purchase; and the commissioners, or such of them, as may attend on the day above required for their attendance, shall have power to adjourn to such time and place within said district, as they may think proper, until they have performed the duties required of them by this act: and the commissioners shall have power to receive any gift or donation, for the benefit of the institution, which may be given by any individual or body corporate, and the same to deliver over to the trustees, who shall apply such donation or gift to the purposes for which it was intended by the donor.

Time of meeting to be published.
Power to adjourn.
Donations may be received.

SEC. 19. That the first meeting of the said corporation shall be at the town of Lebanon, in the county of Warren, on the first Tuesday in April next, and forever after the corporation shall have full power and authority to determine their own time and places of meeting.

First meeting of corporation.

SEC. 20. That in case either of the aforesaid commissioners shall neglect or refuse to act, the governor is hereby authorized to appoint; and should the time fixed on by this act for them to meet, have expired, to direct at what time they shall meet.

Governor may appoint.

This act to take effect, and be in force, from and after the passage thereof.

Effect.

[Act of February 6, 1810, 8 v. L. O. p. 94.]

An act to amend an act, entitled "An act to establish the Miami University."

SEC. 1. That the trustees of the Miami University, shall cause a town to be laid off, on such part of the land described in said act, as they may think proper, to be known by the name of Oxford, to consist of such number of in and out-lots, and of such size as they may deem proper: and the same being thus laid off, and the plat, with a designation of the several parts, recorded in the office of the recorder of the county of Butler, and four weeks previous notice being given, in at least three of the newspapers in this state, may proceed to

Trustees to lay out a town—Oxford.
Plat to be recorded.

Notice of sale. sell, from time to time, at public auction, such of the town and out-lots, as they may think proper; for which lots, on payment being made, or satisfactory security being given, according to the conditions of sale, they shall cause to be executed to the purchasers, respectively, leases for the term of ninety-nine years, renewable forever, on an annual rent of six per centum, on the amount of the purchase money.

Conditions. **Other build- ings to be erected.** SEC. 2. That the said University is hereby established on said land, on such place thereof, as the trustees may think proper; and that they are authorized and directed to cause such building or buildings to be erected, as they shall deem necessary for the accommodation of the president, professors, tutors, pupils and servants of said University, and also, to procure the necessary books and apparatus, for the use of said University, and shall cause payment to be made out of the funds of the University.

Trustees ap- pointed. SEC. 3. That the following named persons be added to the board of trustees to said University, to wit: the Rev. Joshua L. Wilson, James Findlay, Daniel Symmes, Stephen Wood, William Ludlow, Ogden Ross, William Corey and James Shields.

When to meet. SEC. 4. That the trustees shall meet at the town of Hamilton, in the county of Butler, on the first Monday of March next, for the purpose of carrying the provisions of this act into operation; any five of whom shall have power to transact business, and any less number to adjourn, from time to time.

Part of act re- pealed. SEC. 5. That so much of the tenth section of said act, as requires a revaluation of said lands, every fifteen years, is hereby repealed, together with so much of said act, as comes within the purview of this act.

Effect. This act to be in force from and after the passage thereof.

[*Act of February 14, 1815, 10 v. L. O. p. 88.*]

An act further to amend an act, entitled "An act establishing the Miami University."

Purchasers exempt from paying 6 per cent. and in lieu to pay 2 per cent. 1st year. SEC. 1. That the actual settlers on the Miami College township, who have purchased and leased from the trustees thereof, and also all those who may purchase and actually settle on the township aforesaid, before the first day of April, one thousand eight hundred and sixteen, shall be exempt from paying six per cent. upon the purchase money, as expressed in their leases and required by the tenth section of the act to which this act is an amendment, and in lieu thereof, such actual settlers who are or may be purchasers and settlers of any country lot or lots, on which an actual settlement has or may be made as aforesaid, shall have and hold

the same, by paying two per cent. for the first year of such settlement; three per cent. for the second year, and thus increasing one per cent. each year, until the rent shall amount to six per cent. upon purchase money, and forever after the said purchasers and settlers shall pay the yearly rent of six per cent. upon the purchase money.

SEC. 2. That Hiram Mirach Curry, and William Ward, of Champaign county; James Brown, and David H. Morris, of Miami county; William M'Clure, and Benjamin Van Cleve, of Montgomery county; Benjamin Whiteman, and Andrew Reed, of Green county; John Bigger, and Ichabod B. Halsey, of Warren county; John Reily, Thomas Irwin, David K. Esty, Daniel Millikin, and Henry Weaver, of Butler county; and the trustees added to the board by the third section of an act to amend an act, entitled "An act to establish the Miami University," together with the president, for the time being, be, and they are hereby continued a body corporate, by the name of the President and Trustees of the Miami University.

Certain persons added to trustees and created a corporate body.

[Act of February 1, 1814, 12 v. L. O. p. 83.]

An act to amend the several acts, establishing the Miami University.

SEC. 1. That the board of trustees for the Miami University, be, and they are hereby required to make a fair and accurate statement of all the proceedings relative to the concerns of the said institution, both as respects the disposal of the land, as well as the state of the funds arising from the proceeds thereof, together with an account of all expense which may have accrued in the management of the same, and make report thereof to the legislature on or before the fifteenth day of January, annually.

Board of trustees to report to legislature.

[Resolution of February 15, 1815, 13 v. L. O. p. 335.]

Resolved, That the under named persons, be, and they are hereby appointed trustees of the Miami University, viz. James Findlay, Daniel Drake, William Corry, and Ephraim Brown, of Hamilton county; Rev. Matthew G. Wallace, John Reily, Daniel Millikin, of Butler county; John M'Clean, Ichabod B. Halsey, and Mathias Corwin, of Warren county; Daniel C. Cooper, and Benjamin Van Cleve, of Montgomery county; John M'Lean, and Joseph Tatman, of Green county; Archibald Steel, and Samuel Hinkle, of Champaign county; and John H. Crawford and Samuel Kyle, of Miami county.

NOTE. Act of December 16, 1815, 14 v. L. O. p. 16. Trustees of original surveyed township, authorized to lease southeast quarter of section 16, township 3, range 8, in Green county, to George Drummond, and Jacob Smith.

Act of December 23, 1815, 14 v. p. 24. Trustees may lease northeast quarter of section 16, township 10, range 8, in Stark county, to William Reynold and Jacob Myers.

Act of January 24, 1816, 14 v. p. 132. Trustees of original surveyed townships, in the county of Fairfield, authorized to lease section 16.

Act of February 2, 1816, 14 v. p. 183. Trustees of township 2, range 11, east, from the mouth of the Great Miami, may grant a lease for section 16.

Act of February 13, 1816, 14 v. p. 220. Trustees of township 9, range 21, in Ross county, empowered to give a lease for part of section 16, to John Wolf.

Act of February 17, 1816, 14 v. p. 248. Trustees of fractional township 5, 2d fractional range, Miami Purchase, may lease part of section 29.

Act of February 23, 1816, 14 v. p. 275. Permanent leases may be granted for section 16 and 29, in Gallia county.

Act of December 23, 1816, 15 v. p. 10. Trustees of township 2, range 2, Symmes' Purchase, may lease part of section 16, in Butler county.

Act of January 20, 1817, 15 v. p. 63. Amendatory of the act authorizing a lease to George Drummond and Jacob Smith.

Act of January 22, 1817, 15 v. p. 202. This act points out the method of leasing section 16, and other sections set off in lieu thereof, and repeals the act of February 27, 1816, and the act, entitled "An act to provide for granting permanent leases of certain tracts of School land, in the United States Military Tract, within the county of Guernsey."

Act of December 30, 1817, 16 v. p. 6. Trustees of township 2, range 1, east, Symmes' Purchase, allowed to lease part of section 16, in Butler county.

Act of December 18, 1817, 16 v. p. 16. Trustees of township 4, range 1, east, in Butler county, may lease part of section 16.

Act of December 27, 1817, 16 v. p. 36. The act of December 13, 1814, entitled "An act to exempt section 29, township 3, 2d fractional range, in the Miami Purchase, from revaluation," repealed.

Resolution, January 27, 1817, 16 v. p. 245. William Skinner appointed trustee for managing section 29, in Washington county.

Act of January 29, 1818, 16 v. p. 119. This act corrects an error in the act of January 27, 1817; provides that the last named act shall not affect section 16, in Hamilton county; and that lands in that county shall be leased agreeably to the provisions of "An act to incorporate the original surveyed townships," passed February 6, 1810.

Act of February 5, 1819, 17 v. p. 132. Amendatory to the act of January 24, 1816, for leasing section 16, in Fairfield county.

Act of February 6, 1819, 17 v. p. 144. Trustees of township 2, range 8, in Ohio Company's Purchase, in Washington county, may make distribution of proceeds of section 16.

Act of February 6, 1819, 17 v. p. 149. Trustees of township 15, range 13, authorized to lease section 16, in Wayne county.

Act of December 21, 1819, Local Laws of 1819—20, p. 3. An act amendatory of the act for leasing section 16, township 4, range 14, in Gallia county.

Act of January 4, 1820, L. L. 1819—20, p. 7. Act for leasing section 29, township 5, range 15, in Gallia county.

Act of January 13, 1820, L. L. 1819—20, p. 54. Amendatory of the act for leasing southeast quarter section 16, township 3, range 8, in Green county.

Act of January 16, 1821, 19 v. p. 35. Certain sections, 16 and 29, authorized to be permanently leased, in Gallia county.

Act of January 24, 1821, 19 v. p. 72. Trustees may cause a revaluation to be made of section 16, township 6, range 3, in Preble county; and of section 16, township 3, range 5, in Montgomery county.

Act of January 29, 1821, 19 v. p. 77. Trustees may release section 29, township 4, 1st fractional range, in Hamilton county.

Act of January 29, 1821, 19 v. p. 75. Commissioners appointed to grant relief to lessees of section 16, township 3, 1st entire range, Miami Purchase. This act took effect, May 1.

Act of January 29, 1821, 19 v. p. 78. Trustees of fractional section 16, township 6, range 10, in Clark county, authorized to lease the south part to William Roberts.

Act of February 2, 1821, 19 v. p. 144. For the relief of lessees of sections 16, in Fairfield county.

Act of February 2, 1821, 19 v. p. 155. Trustees, when elected, of section 16, township 2, range 8, in Washington county, may grant leases.

Resolution of February 2, 1821, 21 v. p. 208. Justice Morse appointed a trustee for section 29, in the county of Washington.

Act of December 26, 1821, 20 v. p. 6. Amendatory of the act of January 29, 1821. Revaluation not allowed after judgment.

Act of January 29, 1822, L. L. 1821—2, p. 21. Trustees of township 6, range 2, in Preble county, may grant a lease to William M'Michan, with new conditions, for part of section 16.

Act of January 31, 1822, L. L. 1821—2, p. 33. For the relief of lessees of section 29, township 4, range 14, Ohio Company's Purchase, in Gallia county.

Act of February 2, 1822, L. L. 1821—2, p. 42. Inhabitants of township 2, range 8, may elect trustees to lease section 16, in Washington county.

Act of January 27, 1823, 21 v. p. 33. This act allows all lessees of School lands, to surrender their leases. No lease to be hereafter granted for a longer time than one year.

Act of December 21, 1822, L. L. 1822—3, p. 5. The act for leasing section 16, township 2, range 1, east, Symmes' Purchase, repealed.

Resolution of January 27, 1823, L. L. 1822—3, p. 69. Amzi Stanley appointed trustee for section 29, in Washington county.

Resolution of December 29, 1823, L. L. 1823—4, p. 165. William Rufus Putnam appointed trustee for managing section 29, township 2, range 8, in Washington county.

Act of December 22, 1824, L. L. 1824—5, p. 10. Trustees of township 1, range 2, entire, Symmes' Purchase, may lease residue of section 16, in Butler county.

Act of December 29, 1824, L. L. 1824—5, p. 18. Trustees of section 29, 3 fractional township, 2 fractional range, Symmes' Purchase, may order a revaluation of the northwest quarter.

Act of January 13, 1825, L. L. 1824—5, p. 34. Commissioners of Shelby county may cause to be valued section 16, township 1, range 7, east, and have the same leased.

Act of January 13, 1825, L. L. 1824—5, p. 40. Court of common pleas of Gallia county, may cause a revaluation of sections 16, township 8 and 7, range 16, in Gallia county.

Act of February 1, 1825, L. L. 1824—5, p. 55. Trustees of township 3, range 8, in Washington county, may cause a revaluation of section 16.

Resolution of February 7, 1825, L. L. 1824—5, p. 114. County assessor to value School lands and return them.

Resolution of February 7, 1825, L. L. 1824—5, p. 115. Clerks are required to report the number of acres of School lands leased.

CONNECTICUT WESTERN RESERVE.—Act of January 31, 1822, L. L. 1821—2, p. 34. Further time given to complete conditions of leases. Agents may lease until April 1, 1826. John Hall may build a mill upon southeast quarter section 21, township 10, range 4.

UNITED STATES MILITARY.—Act of February 27, 1816, 14 v. p. 444. This act authorizes the leasing of the first quarter, township 1, range 4, in the county of Guernsey.

Act of January 15, 1819, 17 v. p. 31. Leases executed by S. M'Dougal to J. R. & A. Munson for lot No. 8, 4th quarter, 3 township, 11 range, declared cancelled, and the same privileges extended to them that were conferred on D. Moore and others, by the act of February 14, 1815.

Act of February 1, 1821, 19 v. p. 161. This is a general act and repeals all others upon the subject. This act appears to have been overlooked in the last revision.

ORIGINAL SURVEYED TOWNSHIPS.—Act of February 2, 1821, 19 v. p. 166, section 14, amended and repealed.

Act of February 2, 1822, 20 v. p. 35. Amendatory of the act of February 2, 1821. Persons not to be considered members of religious societies during minority.

Act of February 15, 1815, [1822] 20 v. p. 84. Supplementary. Certified list of scholars required before funds shall be apportioned. Act of February 9, 1814, repealed.

Act of February 26, 1824, 22 v. p. 418. This is a general law, "incorporating original surveyed townships;" but contains no provision for a repeal of former laws.

VIRGINIA MILITARY.—Act of February 26, 1816, 14 v. p. 418. This is a general act, and repeals the act of February 17, 1809, and all supplementary and amendatory acts. Leases and contracts, under former laws, saved.

Act of January 30, 1818, 16 v. p. 103. A register to be appointed and suit directed against W. W. Cotgreve.

Resolution of January 29, 1818, 16 v. p. 203. Mordecai Bartley appointed register.

Act of January 16, 1819, 17 v. p. 35. Further time given to complete payments. Leases to be recorded—may be assigned by deed—made by Cotgreve, confirmed, &c.

Act of February 6, 1819, 17 v. p. 129. Suit directed to be brought against W. W. Cotgreve.

Act of February 22, 1820, L. L. 1819—20, p. 71. Lessees, in the counties of Richland and Wayne, relieved.

Resolution of February 2, 1821, 19 v. p. 213. Mordecai Bartley appointed register.

Act of December 26, 1821, L. L. 1821—2, p. 10. Further time given to pay rents.

Act of February 1, 1822, L. L. 1821—2, p. 41. Powers given to the register to bid off lands of Cotgreve and securities, to obtain injunction to stay waste, &c.

Resolution of January 25, 1823, L. L. 1822—3, p. 67. William Patterson appointed register.

Act of February 23, 1824, L. L. 1823—4, p. 82. Leases may be granted for one year.

Act of February 7, 1825, 23 v. p. 25. Lessees released from forfeitures.

Act of February 7, 1825, L. L. 1824—5, p. 78. Authority given to issue execution and purchase the property of W. W. Cotgreve and securities.

OHIO UNIVERSITY.—Act of February 18, 1820, L. L. 1819—20, p. 45. Amendatory of the several acts, establishing an University.

Resolution of February 25, 1820, L. L. 1819—20, p. 160. Edwin Putnam, Ephraim Cutler and Robert Linzee, appointed trustees.

Resolution of February 2, 1821, 19 v. p. 212. Alexander Harper appointed trustee.

Resolution of February 4, 1822, L. L. 1821—2, p. 87. R. J. Meigs, jr. and L. Barber appointed trustees.

Act of January 3, 1825, L. L. 1824—5, p. 30. Trustees, with commissioners of the county of Athens, may sell lot number 37.

Resolution of January 13, 1825, L. L. 1824—5, p. 106. David Young appointed trustee.

Resolution of January 22, 1825, L. L. 1824—5, p. 112. Dudley Woodbridge and Calvary Morris appointed trustees.

MIAMI UNIVERSITY.—Resolution of January 29, 1818, 16 v. p. 198. Trustees appointed.

Act of February 5, 1819, 17 v. p. 131. Further to amend the several acts establishing the Miami University.

Act of February 1, 1821, 19 v. p. 140. Further to amend the several acts establishing the Miami University.

Act of February 2, 1822, L. L. 1821—2, p. 51. Amendatory of the act of February 1, 1821.

Act of February 10, 1824, L. L. 1823—4, p. 68. Amendatory of the several acts establishing the Miami University.

Northwestern Territory.

[In Congress, July 13, 1787, 1 v. L. U. S. p. 475.]

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress Assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Rules of inheritance, &c.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have, in equal parts among them, their deceased parents' share: and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills, in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof, duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore

professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, ^{Governor.} whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, ^{Secretary.} whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: there shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original ^{Adoption and publication of laws.} states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the ^{Officers of militia.} same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil ^{Appointment of magistrates, &c.} officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be ^{Civil divisions of the district.} adopted or made shall have force in all parts of the district,

and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

Right of representation;
General Assembly, &c.

So soon as there shall be five thousand free male inhabitants, of full age, in the district upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly: *Provided*, That, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district, three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

Constitution of the legislative power, &c.

The General Assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council, shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress;

one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve, the General Assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

Oath of fidelity and of office to be taken.

Delegate to Congress.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Articles of compact, &c.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings accord-

Articles of compact, &c. ing to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil, to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Law-

rence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy without any tax, impost or duty therefor. Articles of compact, &c.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided however*, And, it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: *Provided*, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this or-

Articles of compact, &c. dinance, be, and the same are hereby repealed and declared null and void. Done, &c.

MODIFIED CESSION OF VIRGINIA.

[*Act of December 30, 1788, 12 v. Hen. St. Va. p. 780.*]

Cession of N. W. Territory modified.

SEC. 1. Whereas the United States in Congress assembled, did on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty six, state certain reasons shewing that a division of the territory which hath been ceded to the said United States by this commonwealth into states, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican states, not more than five, nor less than three in number, as the situation of that country, and future circumstances might require.

And the said United States in Congress assembled, hath, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original states and the people and states in the said territory, viz: [*Here the 5th article of the ordinance of July 13, 1787, is recited.*— And it is expedient that this commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original states and the people and states in the said territory: *Be it therefore enacted by the General Assembly,* That the afore recited article of compact between the original states and the people, and states in the territory northwest of [the] Ohio river, be, and the same is, hereby ratified and confirmed; any thing to the contrary, in the deed of cession of the said territory by this commonwealth to the United States, notwithstanding.

[*Act of December 21, 1801, 1 sess. 2 G. A. T. p. 130.*]

An act declaring the assent of the territory northwest of the river Ohio, to an alteration in the ordinance for the government thereof.

(*Preamble.*)

Ordinance of July 13, 1787, may be altered.

SEC. 1. That as soon as the Congress of the United States shall declare their assent thereto, the aforesaid ordinance for the government of the territory northwest of the river

Ohio, done by the United States in Congress assembled, on the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence, the twelfth, shall be altered so far as the same relates to the boundaries of the three states that are first hereafter to be erected in the said territory, and in the stead thereof, the boundaries of the said states shall be fixed and established as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio, and line beginning at a point on the Ohio river, where the same is intersected by the western boundary of the land granted to General George Rogers Clark, and the officers and soldiers of his regiment; thence running directly to the head of Chickagua river; thence by the said river to lake Michigan; thence by a line drawn due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and the Mississippi. Boundaries of the western state

The middle state shall be bounded by the eastern boundary of the aforesaid western state, by the Ohio river to the mouth of the Scioto river, by the Scioto river to the Indian boundary line, as established in the treaty of Greenville; by a direct line drawn from thence to the southwest corner of the Connecticut Reserve; thence by a line due north to the territorial line, and by the said territorial line. Boundaries of the middle state.

The eastern state shall be bounded by the said eastern boundary of the middle state; by the Ohio to the Pennsylvania line; by the Pennsylvania line to the territorial line, and by the said territorial line. Boundaries of the eastern state.

Provided always, That nothing herein contained shall be intended to annul or in any way to affect the authority of Congress to form one or two states in that part of the said territory which lies north of an east line drawn through the southerly bend of lake Michigan. Proviso.



[Ordinance and Resolution passed in Convention, November 29, 1802, 21 v. L. O. p. 44.]

We the representatives of the people of the eastern division of the territory northwest of the river Ohio, being assembled in Convention, pursuant to an act of Congress, entitled "An act to enable the people of the eastern division, of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes," and having had under our consideration the propositions offered by the said act, for our free acceptance, or rejection, do resolve to accept of the said propositions: *Provided,* The following addition to, and Propositions accepted.

Proviso : lands modification of the said propositions shall be agreed to by the Congress of the United States, viz: That in addition to the first proposition, securing the section number sixteen in every township, within certain tracts to the inhabitants thereof, for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands, in the United States Military Tract, shall be made for the support of schools within that tract: and that the like provision shall be made for the support of schools, in the Virginia Reservation, so far as the unlocated lands, in that tract will supply the proportion aforesaid, after the warrants issued from said state has been satisfied, and also, that a donation of the same kind, or such provision as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut Reserve. That all the lands which may hereafter be purchased of the Indian tribes, by the United States, and lying within the state of Ohio, the one thirty-sixth part, shall be given as aforesaid, for the support of public schools.*

That all lands before mentioned to be appropriated by the United States, for the support of schools, shall be vested in the legislature of this state, in trust for said purpose.

That not less than three per cent. of the nett proceeds, of the lands of the United States, lying within the limits of the state of Ohio, sold and to be sold, after the thirtieth day of June last, shall be applied in laying out roads within the state, under the direction of the legislature thereof.

Lands of the U. S. to be exempt from taxes for five years.

And if the Congress of the United States shall agree to the above addition to, and modification of the said propositions, it is hereby declared and ordained, that every and each tract of land sold, or to be sold by Congress, from and after the thirtieth day of June last, shall be, and remain exempt from any tax laid by order, or under the authority of this state, whether for state, county, township, or any other purposes whatever, for the term of five years after the day of sale, to be reckoned from the date of the certificate, of the first quarterly payment.

Preamble.

That whereas Congress by a law, entitled "An act authorizing the grant and conveyance of certain lands, to John Cleves Symmes, and his associates," passed the fifth day of May, 1792, did authorize the President of the United States, to convey by letters patent unto the said John Cleves Symmes, and his associates, their heirs and assigns, a certain tract of land therein described, and did further authorize the President, by the act aforesaid, to grant and convey unto the said John Cleves Symmes, and his associates, their heirs and assigns, in trust for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township, to be included and located within such

*See—"Lands for the support of the Gospel and Schools," ante p. 155

limits and lines of boundary, as the President may judge expedient; and in pursuance thereof the President did convey unto the said John Cleves Symmes, and his associates, their heirs and assigns, by his letters patent, the aforesaid one complete township, to be located and accepted by the governor of the territory northwest of the river Ohio: and inasmuch as the township aforesaid, has never been located and accepted, agreeably to the provision of the said act:

The Convention recommend the following propositions to Congress, as an equivalent for the one complete township aforesaid, to wit: The lots numbered eight, eleven, and twenty-six, reserved in the several townships, for the future disposition of Congress, or so many of the said lots as will amount to the number contained in the aforesaid complete township, to be vested in the legislature, in trust to and for the purposes for which the said township was originally intended, to be designated by the legislature of this state.

Resolved, That Thomas Worthington be appointed a special agent, to lay the aforesaid resolution and propositions before Congress, and that said agent do endeavor to procure the assent of Congress thereto.



[*Act of April 30, 1802, 3 v. L. U. S. p. 496.*]

An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes.

SEC. 1. That the inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby, authorized to form, for themselves, a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the union, upon the same footing with the original states, in all respects whatever.

SEC. 2. That the said state shall consist of all the territory included within the following boundaries, to wit: Bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of the Great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect lake Erie, or the territorial line, and thence, with the same, through lake Erie, to the Pennsylvania line aforesaid: *Provided*, That Congress shall be at liberty, at any time hereafter, either to attach all the territory lying east of the line to be drawn due

north from the mouth of the Miami aforesaid to the territorial line, and north of an east and west line drawn through the southerly extreme of lake Michigan, running east as aforesaid to lake Erie, to the aforesaid state, or dispose of it otherwise, in conformity to the fifth article of compact between the original states, and the people and states to be formed in the territory northwest of the river Ohio.

Part attached
to Indiana ter-
ritory.

SEC. 3. That all that part of the territory of the United States northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state, subject, nevertheless, to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid; and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects whatever, with all other citizens residing within the Indian territory.

Qualifications
to choose
members for a
convention.

SEC. 4. That all male citizens of the United States, who shall have arrived at full age, and resided within the said territory at least one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having, in other respects, the legal qualifications to vote for representatives in the General Assembly of the territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned among the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be; that is to say: from the county of Trumbull, two representatives: from the county of Jefferson, seven representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington, four representatives; from the county of Ross, seven representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams, three representatives; from the county of Hamilton, twelve representatives, two of the twelve to be elected from what is now known by Clermont county, taken entirely from Hamilton county; and the elections for the representatives aforesaid, shall take place on the second Tuesday of October next, the time fixed by a law of the territory, entitled "An act to ascertain the number of free male inhabitants of the age of twenty-one in the territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same," for electing representatives to the General Assembly, and shall

Apportion-
ment to coun-
ties.

Election when
to take place.

be held and conducted in the same manner as is provided by the aforesaid act, except that the qualifications of electors shall be as herein specified.

SEC. 5. That the members of the convention, thus duly elected, be, and they are hereby authorized to meet at Chillicothe, on the first Monday in November next: which convention when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient, at that time, to form a constitution and state government for the people within the said territory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government: which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall form for the people of the said state a constitution and state government: *Provided*, The same shall be republican, and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio.

SEC. 6. That until the next general census shall be taken, the said state shall be entitled to one representative in the house of representatives of the United States. The state entitled to one representative

SEC. 7. That the following propositions be, and the same are hereby, offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection; which, if accepted by the Convention, shall be obligatory upon the United States. Propositions offered to convention.

First: That the section number sixteen, in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.* First: section 16 for schools.

Second: That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the Military Tract, with the sections of land which include the same, shall be granted to the said state, for the use of the people thereof, the same to be used under such terms, and conditions, and Second: reservations, including Salt Springs.

* These propositions are modified, 3 v. L. U. S. p. 541. See, 'Lands for the support of the Gospel and Schools,' *ante*, p. 155. Act of April 15, 1803, 1 v. L. O. p. 56. The treasurer of state is to receive the 3 per cent. fund from the United States. Act of December 15, 1810, 9 v. L. O. p. 3. Treasurer to transmit, annually, an account of the application of the 3 per cent. fund to the treasurer of the United States, and to receive for his services \$2 per pay. These two acts have not been published in the subsequent revisions of the laws.

regulations, as the legislature of the said state shall direct: *Provided*, The said legislature shall never sell nor lease the same for a longer period than ten years.

Third: 1-20th
nett proceeds
of sale of lands
for roads.

Third: That one twentieth part of the nett proceeds of the lands lying within the said state, sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said state, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass: *Provided, always*, That the three foregoing propositions herein offered, are on the conditions that the convention of the said state shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the state, whether for state, county, township, or any other purpose whatever, for the term of five years, from and after the day of sale.

Agents to sell and convey Lands.

*[Act of December 2, 1800, 2 sess. 1 G. A. T. published amongst
the acts of 1 sess. 2 G. A. T. p. 241.]*

An act to empower the trustees named in the last will and testament of
Doctor William Burnet, the elder, to dispose of certain lands.

WHEREAS Doctor William Burnet, the elder, late of Newark, **Preamble.**

in the county of Essex, and state of New Jersey, in and
by his last will and testament, dated the twenty-third
day of September, A. D. one thousand seven hundred
and ninety-one, did give, devise and bequeath unto the
Rev. Alexander Macwharton, John Chetwood and Elias
Boudinot, the share and proportion of his estate, intended
for Hannah Kinney, his daughter, in fee, in trust, never-
theless, and to and for the intent and purpose, and the
said trustees are, in and by the said last will and testa-
ment, among other things, directed to pay the rents, is-
sues and profits thereof, yearly and every year, to the
sole receipt and order of the said Hannah, for and
during her natural life, and at her decease to such child
or children of her's, which she shall order and direct,
in writing, under her hand and seal, in her life time.

And also whereas it appears to the General Assembly,
by the joint petition of Abraham Kinney and the afore-
said Hannah, his wife, Jacob Burnet, Daniel Thew and
Elizabeth, his wife, who are surviving children and de-
visees of the said William Burnet, deceased, and Alex-
ander Macwharton, John Chetwood and Elias Boudinot,
trustees as aforesaid, that the said trustees are now in
possession of the real estate, devised as aforesaid, and
among other parts of divers tracts of land, situated, lying
and being within the tract of land purchased by the hon.
John Cleves Symmes, of the United States, and particu-
larly mentioned in a patent to him, and his associates,
from the President of the United States, on the river
Ohio, and between the Great and Little Miami rivers,
in the territory northwest of the river Ohio; that the said
tracts are not only wholly unproductive but are exposed
to the actual expenditure of considerable sums of money

annually, for the payment of taxes, &c. which may eventually absorb the value of the said property; that the property thus left to the said Hannah, is not equal to the comfortable maintenance and education of her children, unless the whole thereof is rendered as productive as the nature of the same will admit of; that if the said property be left in its present state, the cautious provision of the said testator will, in a great measure, be defeated; and that the said petitioners request of the legislature, that the said trustees, or such other persons as the legislature may, in their wisdom, think fit to nominate and appoint, may be authorized, by law, to dispose of the real estate of the said Hannah, in the territory aforesaid, for the most money that may be had for the same, and to give a good and sufficient conveyance therefor, on conditions of their vesting the nett proceeds of such sale, in some productive public stock of the United States, or of some well established bank in the United States, to remain under their care and trust, for the uses and purposes mentioned in the said last will and testament of the said William Burnet, in the like manner as the said real estate was limited and appointed:

Therefore,

Trustees authorized to sell real estate.

May appoint attorneys.

Appropriation of money.

SEC. 1. That the trustees above named, or their survivors or survivor, shall be, and they are hereby authorized and empowered to sell and convey, by good and sufficient deeds of conveyance, in law, in fee simple, all the lands and real estate lying within the territory of the United States, northwest of the river Ohio, devised in trust as aforesaid, by the said William Burnet to the said Alexander Macwharton, John Chetwood and Elias Boudinot, trustees as aforesaid; and the said trustees, their survivors or survivor, are hereby authorized and empowered to create and appoint one or more attorney or attorneys under them, with full powers to sell and convey the real estate and lands, devised in trust as aforesaid, and lying within the said territory, in manner aforesaid; and the sale and conveyance so made by the said trustees, their survivors or survivor, or their lawful attorney or attorneys, shall vest the lands so sold and conveyed, in fee simple, in the purchaser or purchasers, their heirs and assigns forever.

SEC. 2. That all the money arising from any sale that shall be made by virtue of the powers herein granted, shall, so soon as the same is received by the said trustees, be by them vested in some productive public stock of the United States, or of some well established bank in the United States, to remain under the care and management of the said trustees, for the uses and purposes mentioned in the said last will and testament of the said William Burnet, in the like manner as the said real estate was and is limited and appointed.

[*Act of January 24, 1807, 5 v. L. O. p. 84.*]

An act appointing Daniel Evans and Joseph Swearingen agents for the heirs of James Trimble, deceased.

SEC. 1. That Daniel Evans and Joseph Swearingen, be, Agents appointed for the heirs of James Trimble, late of Woodford county and state of Kentucky, deceased; and they are hereby authorized and empowered to set off and convey, in fee simple, to Jane Trimble, of Highland county and state of Ohio, the widow and relict of the said James Trimble, deceased, in full satisfaction of her dower of all the lands and real estate of the said James Trimble, deceased, three hundred acres of land, part of the tract of twelve hundred acres, on which the said Jane Trimble now resides, situate in the county of Highland aforesaid. And the said agents are hereby authorized, by and with the advice and consent of the legal guardian or guardians of the said heirs, to survey and lay off the said three hundred acres, in such a manner and in such part of the said tract of twelve hundred acres, as will best suit the interest of the said Jane Trimble, not impairing or rendering less valuable the remainder of the tract, by the form of such survey.

SEC. 2. That the said agents shall convey the land so by them surveyed and set off, by deed of conveyance duly executed and signed by them as agents for the heirs of James Trimble, deceased, and the conveyance thus made and executed, shall be good and valid in law to all intents and purposes.

[*Act of February 3, 1807, 5 v. L. O. p. 112.*]

An act confirming to James Innes Clarke, five shares in the Ohio Company's Purchase.

WHEREAS, at the General Assembly of the state of Rhode-
Island and Providence plantations, begun and holden at Providence on the last Monday of October, A. D. 1804, John Innes Clarke, esq. of said Providence and Lydia his wife, Elizabeth Nightingale, of said Providence, widow and dowager of Joseph Nightingale, late of said Providence, merchant, deceased, for herself and for William Nightingale, Joseph Nightingale and George C. Nightingale, sons of the said Joseph and Elizabeth, minors under the age of twenty-one years, and to whose persons and estates the said Elizabeth is guardian, John Clarke Nightingale, Samuel W. Greene and Polly his wife, which said John Clarke Nightingale and Polly

situate in the state of Ohio, to Oliver Ormsby and Edward W. Turner, for the purpose of levying and raising a sum of money, to pay and discharge certain debts in schedule annexed to the said deed, particularly set forth; and whereas it hath been further represented as aforesaid, that the said Oliver Ormsby and Edward W. Turner have refused and neglected to do, perform and discharge the trust reposed in them as aforesaid, and further, that the said John Francis Hamtramck is now deceased: Therefore,

Administrators created agents to sell lands of J. F. Hamtramck.

SEC. 1. That the administrators of the estate, rights and credits of the said John Francis Hamtramck, deceased, to wit:—William Henry Harrison, Jesse B. Thomas and Rebecca Thomas, his wife, late widow of the late John Francis Hamtramck, deceased, and Oliver Ormsby, one of the trustees named in the deed of trust, be, and they are hereby, authorized and empowered to sell and dispose of all the lands, tenements and hereditaments belonging or in any wise appertaining to the estate, *of the estate* of the said John Francis Hamtramck, deceased, and lying and being situate in the said state of Ohio, to and for the purposes in the said deed of trust specified, and that the said administrators, together with the said Oliver Ormsby, or any three of them, as the case may be, make and execute all necessary deeds of conveyance to the purchaser or purchasers for securing to him, her, or them, the absolute fee simple in the lands, tenements and hereditaments that may or shall be sold and purchased in manner aforesaid: *Provided*, That if either of them shall refuse to act on notice given thereof, or be prevented by death, then any three of the last above named may transact said business in as ample a manner as all of them could do, by virtue of this act.

How to apply proceeds.

SEC. 2. That the said administrators be, and they are hereby authorized, after the payment of the debts annexed to the said deed of trust, to apply the balance of the proceeds of the sale of said land, to the payment of the decedent's other legal debts, and to, and for the use of his heirs and legal representatives: the proceeds of such sales shall be accounted for by the said administrators in a due course of administration.

To give bond.

SEC. 3. That the said administrators, prior to their entering upon the duties required of them by this act, shall enter into bond, with such security as by the court of common pleas, for the county of Fairfield, shall be deemed sufficient, conditioned for the faithful discharge of the duties enjoined on them by the above recited act, which bond shall be made payable to the clerk of the said court, for the time being, for the benefit of those concerned in the said estate, which shall be filed in the office of the said clerk.

This act to take effect, and be in force, from and after the passage thereof.

[Act of January 20, 1808, 6 v. L. O. p. 8.]

An act appointing Nathaniel Beasly, agent for the heirs of John Beasly, deceased.

Whereas John Beasly, late of the town of Manchester, county of Adams, and state of Ohio, deceased, did, in his lifetime, follow locating in the Virginia Military District, and did sell and dispose of certain tracts of land, for which he gave his obligation, binding himself and his heirs, to make deeds of conveyance, which has not been complied with : and whereas the said John Beasly did locate a number of tracts of land, to which the said heirs are entitled to a dividend: Therefore,

SEC. 1. That Nathaniel Beasly, of Byrd township, Adams county, and state of Ohio, be, and he is hereby, appointed agent for the heirs of John Beasly, late of the county and state aforesaid, deceased; and he is hereby authorized to convey, by deed of conveyance, all lands sold by the said John Beasly, agreeable to the true intent and meaning of all such contracts as the said John Beasly entered into in his lifetime, to the person or persons holding such obligations; to make divisions of all lands, in behalf of the said heirs, with whom they held lands in partnership; to finish the locating and surveying the lands before mentioned, for the use, benefit and advantage of his said heirs; and to receive titles, in behalf of said heirs, from whom titles now are, or hereafter may become due.

SEC. 2. That the said Nathaniel Beasly, previous to entering upon the business as aforesaid, shall enter into bond, with good and sufficient security to the acceptance of two of the associate judges of the court of common pleas in and for the county aforesaid, in such sum as said court shall require, conditioned for the faithful performance of his trust; which bond shall be given in the name of the clerk of the court for the time being, for the benefit of the estate of the said John Beasly, deceased, and lodged in the office of the clerk of the court aforesaid.

SEC. 3. That all acts, deeds, conveyances and transactions, done and executed, and signed by the said Nathaniel Beasly, as agent for the heirs of John Beasly, deceased, shall be good and valid in law, to all intents and purposes.

SEC. 4. That in case of the death, or resignation of the said Nathaniel Beasly, or his being personally interested in said estate, the court shall appoint an agent for that special

Preamble.

Agent appointed for the heirs of John Beasly.

His powers.

To give bond.

His acts to be valid.

Court may supply vacancy.

purpose, who shall qualify himself agreeable to the provisions of this act, whose powers shall be the same, and acts as valid, as the agent appointed by this act.

Court may
direct sale of
real property.

SEC. 5. That if it shall be made appear, to the satisfaction of the said court, that there is not personal property sufficient to satisfy the demands against the said estate, the court shall direct the agent to sell such part of the real estate as they may deem best for the interest of said estate, to satisfy such demands.

Agent's com-
pensation.

SEC. 6. That the court of common pleas shall from time to time allow the said agent such compensation, for his expense and services, as they may deem just and reasonable, out of the said estate.

This act to take effect from and after the passage thereof.



[Act of January 24, 1809, 7 v. L. O. p. 105.]

An act appointing Amos Evans and George Wilson, agents for the heirs of John Wilson, deceased.

A. Evans and
G. Wilson
created agents
of J. Wilson's
heirs.

SEC. 1. That Amos Evans and George Wilson, both of Highland county, state of Ohio, be, and they are hereby, appointed agents for the minor heirs of John Wilson, late of Mason county and state of Kentucky, deceased; and they are hereby authorized and empowered, by and with the consent of the guardian or guardians of the said minor heirs, to sell and convey, by a good and sufficient deed or deeds, jointly with the other heirs of the said John Wilson, deceased, the interest or estate that the said heirs have to the in-lots, numbered one hundred and eighty-two, and ninety-one, upper half of out-lot, numbered one hundred and ten; also, out-lots, numbered one hundred and eleven and one hundred and twelve, situated in the town of Chillicothe and county of Ross.

May sell lots.

Proceeds how
applied.

SEC. 2. That the said Amos Evans and George Wilson, be, and they are authorized to apply so much of the proceeds of the sale of the lots aforesaid, as may belong to the minor heirs of the said John Wilson, deceased, as may be necessary to defray the expense which has or may accrue on the division of the real estate of the said deceased, so far as the said minor heirs may be in arrears therefor, and the surplus, if any there shall be, shall be applied towards the purchase of lands for the said minor heirs, in such manner as the said guardians and agents may deem most advantageous.

Acts valid.

SEC. 3. That all deeds of conveyance duly executed and signed by them as agents for the minor heirs of John Wilson, deceased, for the purpose before mentioned, shall be good

and valid in law, as if conveyed by the said John Wilson in his life time.

This act shall commence, and be in force, from and after Effect. the passing thereof.

[*Act of February 17, 1809, 7 v. L. O. p. 163.*]

An act for the relief of John Collet and Michael Blair.

WHEREAS John Collet, of the county of Ross, on the twenty-^{Preamble,} third day of October, one thousand seven hundred and ninety-eight, did, by a warranty deed, convey to Michael Blair, then and still a minor, the full half of an in-lot, in the town of Chillicothe, situate on the north side of Main Water-street, and the lower half of said lot, adjoining to John M'Dougal's, three poles in front, and twelve poles back, including the improvements that the said Blair then lived on, and described in said deed, as being number twenty-one, by mistake, when in fact, the said number was, and ought to have been stated as number two hundred and sixty-one; by reason of which mistake, a different number was conveyed to the said Michael Blair, from that which was intended to be conveyed, and one which the said John Collet had no title to; which deed was recorded in the office of the recorder for Ross county, on the 27th day of December, one thousand seven hundred and ninety-eight: Therefore, that the aforesaid mistake may be rectified, and the conveyance aforesaid, take place, agreeably to the intention and meaning of the parties:

SEC. 1. That the said John Collet, shall have full power ^{Collet may} and authority to convey the aforesaid half lot of ground, to ^{convey to} the said Michael Blair, by its proper number; which title, ^{Blair.} when so conveyed, shall be a complete bar and release to the said John Collet, from any liability to the said Michael Blair; his heirs or assigns, on account of executing the deed for said half lot before described.

This act to take effect, from and after the passage thereof.

[*Act of February 20, 1812, 10 v. L. O. p. 182.*]

An act for the relief of the heirs of William Wilson, deceased.

(*Preamble.*)

SEC. 1. That the court of common pleas for the county of ^{Trustees for} ~~Montgomery~~, is hereby authorized as a court of chancery, ^{on Wilson's heirs} on

the application of the heirs, or the administrators of the goods, chattels, rights and credits of William Wilson, deceased, the consent of the widow being previously obtained, to appoint a trustee or trustees, who, upon giving good and sufficient security, as is herein after mentioned, may, under the direction of such court, sell and convey to any person or persons a certain tract of land, lying and being in the county of Montgomery, containing one hundred and ten acres, of which the said William Wilson, deceased, died seized, and upon the sale thereof, to make a good and sufficient deed or deeds of conveyance, for the same, to the purchaser or purchasers, his, her, or their heirs, executors and administrators; and the said trustee or trustees, in the sale of said land, shall be governed in all respects agreeably to the thirty-second section of the act, entitled "An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates," passed the tenth of February, one thousand eight hundred and ten; and the monies arising from such sale shall be applied by the said trustee or trustees to the purchasing of Congress lands, within three years, in the town of Madison or its vicinity, in the Indiana territory, in the name, and for the use and benefit of said heirs, immediately upon such purchase.

Power and duty.

Trustees to give bond.

Proviso.

SEC. 2. That before the said trustee or trustees shall proceed to sell the said tract of land as aforesaid, they shall enter into bond, before the court of common pleas of Montgomery county, with two good and sufficient securities, such as the court shall approve of, to the said heirs, in double the appraised value of said land, conditioned for the faithful performance of all and singular the conditions herein prescribed, which bonds shall be lodged with the clerk of said county, to and for the use of said heirs: *Provided*, That nothing in this act contained shall be so construed as to bar the right of any bona fide creditor, but the court, in all things touching the premises, shall proceed and decree according to right and justice.

[Act of February 21, 1812, 10 v. L. O. p. 152.]

An act for the relief of the widow and creditors of Augustus Blanchard, deceased.

Preamble.

WHEREAS it has been represented to this General Assembly, that Augustus Blanchard, late of New-Hampshire, deceased, died insolvent, and at the time of his death was seized of certain wild lands within the Ohio Company's Purchase, of an unproductive nature; and whereas the

existing laws, touching the estates of insolvent persons, who may have died out of this state, do not furnish a sufficiently ample relief: Therefore,

SEC. 1. That the court of common pleas or supreme court for the county in which any of said lands may lie, be authorized to cause the whole of said lands to be sold, and of the avails thereof to make such distribution as may be consistent with the rules of law and equity; and if, after the payment of the just and equitable debts of the deceased, a residue should remain, the same to distribute among those of kin to the deceased, according to the laws of this state: *Provided always,* That the right of dower of the widow of said Augustus, shall in no wise be impaired; but the same lands shall be sold, subject to the dower of the widow, unless by the consent of such widow, in which case the widow shall be entitled to receive such portion of the avails of such lands as the said court may deem her equitable claim therein to be worth. Courts may cause lands to be sold.

SEC. 2. That the application be made to such court by bill in chancery, and the court shall require that due and reasonable notice of the pendency thereof shall be given, and that all proper persons be made parties thereto, so that each person interested may have justice according to the equity of his claim; and the said court, if a decree should be made in the premises, directing the sale as aforesaid, shall appoint a suitable person as a trustee, to direct and superintend the sale, and do such other acts as may be according to the usages of courts of equity in such cases. Bill in chancery to be filed. Trustee to be appointed.



[*Act of January 7, 1813, 11 v. L. O. p. 22.*]

An act for the relief of the devisees of Aaron Olmsted.

WHEREAS Aaron Olmsted, late of East Hartford, in the county of Hartford, and state of Connecticut, deceased, by his last will and testament, devised to his three sons Horace Bigelow Olmsted, Aaron Franklin Olmsted, and Charles Hyde Olmsted, all his estate in the Connecticut Western Reserve, in the state of Ohio, containing, in the whole, about thirty thousand acres, more or less, to be to them his said three sons in equal shares, and to the heirs of their bodies lawfully begotten forever: and whereas the aforesaid devised lands are altogether unimproved and unproductive, and by reason of the entailment are unsaleable, whereby the aforesaid devisees are unable to derive any benefit therefrom, or any means of paying the taxes thereon, which are yearly accumulating with penalties and interest, which must Preamble.

in a short period, totally divest the said devisees of their interest in said lands, which to prevent, and to render said property useful to the said devisees and their posterity:

Committee to make partition.

SEC. 1. That James Kingsbury, Samuel S. Baldwin and Rodolphus Edwards, be, and they are hereby, appointed a committee to make partition of all the lands which were devised to Horace Bigelow Olmsted, Aaron Franklin Olmsted and Charles Hyde Olmsted, by their late father Aaron Olmsted, deceased, which are situated in the Connecticut Western Reserve, and now owned by them in common.

Their power and duty.

SEC. 2. That the aforesaid committee, in making partition of the aforesaid lands, shall be governed by the provisions of the act, entitled "An act to provide for the partition of real estates;" and shall make return of such partition to the supreme court for the counties within which such lands are situated; and the clerks of said court shall record the same in the records of the court, which partition, when thus recorded, shall be binding upon the parties concerned. And the aforesaid committee shall make an appraisement of each tract of land by them divided, which shall be returned and recorded together with the aforesaid partition.

Names of the board of trustees.

SEC. 3. That Mary L. Olmsted, Levi Goodwin and Caleb Goodwin, be, and they are hereby appointed, a board of trustees for the purposes herein after specified. And the said trustees, before entering upon their trust, shall give bond, with security, to the acceptance of the supreme court, in double the appraised value of all of said lands, conditioned for the faithful performance of said trust, which bond shall be made payable to the governor of this state, for the time being, and to his successor in office; and shall be deposited in the office of such clerk of the supreme court, as such court shall direct, for the benefit and security of the parties concerned.

Trustees or a majority of them may sell lands.

SEC. 4. That the aforesaid trustees, or a majority of them, may, and they are hereby empowered to sell and convey all or any part of the aforesaid lands, after the same shall have been divided in the manner aforesaid, either for cash or on such length of credit as they shall deem most beneficial for the devisees aforesaid, not exceeding five years, with interest, annually, and on approved security: *Provided*, That none of the aforesaid lands shall be sold for less than their appraised value, except so much thereof as shall be necessary to remove incumbrances; and the said trustees may, if they think proper, lease any part of said land for a term not exceeding ten years.

Proviso.

Proceeds of sale how applied.

SEC. 5. That the trustees aforesaid, shall apply the first proceeds from the sale of said lands, to the payment of taxes and removing such incumbrances as said lands may be subject to; and the principal sum arising from such sale, after

making the disbursements aforesaid, shall, by said trustees, be vested in bank stock, stock of the United States, or in such other productive property or funds as shall be deemed secure and most beneficial for the said devisees; and the interest or profit arising therefrom, shall be applied, from time to time, as the same is received, to the use and benefit of such of said devisees from whose property the same is derived.

SEC. 6. That in case of a vacancy in said board of trustees, either by non-acceptance, death, or otherwise, the supreme court shall have power to appoint a person or persons to fill such vacancy, who shall have the same power, and be governed by the same rules as those appointed by this act. And the supreme court shall have power to remove any of said trustees for neglect of duty or misconduct in the execution of their trust; and the said trustees shall annually render an account of the trust to the supreme court.

Supreme court may fill vacancies.

SEC. 7. That whenever, and as often as said trustees shall produce to the supreme court, an official certificate from any court of probate, or any other court of record, within the state of Connecticut, other than a justice of the peace, certifying that they have vested any sum of money, the avails of said lands, in bank stock, stock of the United States, or any other safe and productive property, of which such court shall approve, in trust for the benefit of said devisees or such of them from whose land such money shall have been derived; and that said trustees have given bonds to the acceptance of such court, conditioned for the faithful discharge of their trust, so far as it respects the property so by them purchased, in trust as aforesaid, it shall be deemed good accounting to the supreme court of this state for the amount so certified, and shall so far discharge them from their bonds given to the governor of this state.

How trustees may be discharged from their bonds.

SEC. 8. That in case of the death of either of said devisees, his share of said estate, whether in the lands aforesaid or other property, derived from the sale thereof, shall descend to his legal representatives in the same manner as other similar property; and the trust estate and entailment, so far as respects the share of such deceased devisee, shall thenceforth cease, and the estate become absolute in such representatives: *Provided*, That if any such deceased devisee shall leave a widow, the trust estate or entailment shall not cease as it respects her dower therein, but shall continue during her life; and she shall be entitled to receive the interest, rents or profits arising therefrom, and after her death the same shall descend in manner aforesaid.

How devisees' estates shall descend.

Proviso.

[Act of January 25, 1814, 12 v. L. O. p. 75.]

An act appointing William Wells agent for the heirs of Abner Mosely, deceased.

(Preamble.)

W. Wells appointed agent and authorized to sell lands.

To be under the direction of the guardians.

To give bond.

SEC. 1. That William Wells, of the township of Springfield, in the county of Muskingum and state of Ohio, be, and he hereby is, appointed agent for the minor heirs of Abner Mosely, late of the town of Weatherfield, in the county of Hartford and state of Connecticut; and he is hereby authorized to sell and convey all or any part of the tract of three thousand five hundred acres, in the first quarter of the second township, in the seventeenth range, and also such part, or all of the tract of two thousand two hundred and ninety acres in the first quarter of the fifth township, in the nineteenth range, as may be necessary for carrying into execution the said Abner Mosely's plans of extinguishing the original claims: and the said William Wells shall, after extinguishing such claims, be governed by such directions as he may, from time to time, receive from the lawful guardian or guardians of said heirs, and shall pay over or account for all sums of money that he may receive for said lands, to the guardians for the use of said heirs.

SEC. 2. That the said William Wells shall, previous to entering on the business of such agency, enter into bond, with sufficient surety, in the penal sum of twelve thousand dollars, payable to the treasurer of the county of Franklin, or his successor in office, to the acceptance of the court of common pleas of said county, conditioned for the faithful performance of said trust; which bond shall be lodged with the clerk of said court: on which bond any person or persons interested and aggrieved may, at any time, institute a suit in the name of such treasurer, or his successor in office for the time being, and on due proof made shall be entitled to recover a judgment for the amount of the penalty of said bond, said judgment to be discharged as to such person so suing, on the payment of such sum, together with the costs, as may seem to the court rendering judgment just and reasonable; and the judgment so rendered for such penalty, shall remain in full force for the benefit of any other person or persons, who may be injured by any breach of the condition of said bond; and any person so injured other than the original plaintiff, may have his or their scire facias from time to time, on said judgment, and on due proof recover as aforesaid: *Provided*, That if the person or persons first suing should fail to recover judgment as aforesaid, any other person injured may sue and recover on said bond in the same manner as if said first suit had never been commenced.

SEC. 3. That all deeds of conveyance duly executed and signed by the said William Wells, as agent for the minor heirs of Abner Mosely, deceased, for the purposes before mentioned, shall be good and valid in law, as if conveyed by the said Abner Mosely in his life time: *Provided*, That nothing in this act contained shall be so construed as to affect the rights of any third person acquired previous to the execution of any deed or other instrument of conveyance by the said William Wells as aforesaid. Agent's acts declared valid

NOTE.—Act of February 18, 1802, [1820] 20 v. p. 46. Allison C. Looker appointed agent for Benjamin Hough's heirs. Supplementary act of January 15, 1821, 19 v. p. 26.

Act of February 25, 1820, L. L. 1819—20, p. 93. William Creighton, jun. appointed agent for Nathaniel Massie's heirs. Supplementary act of December 26, 1820, 19 v. p. 19. Cadwallader Wallace authorized to sell lands, &c.

Act of December 26, 1820, 19 v. p. 13. Court Common Pleas of Trumbull county may appoint a guardian to Daniel Borden. Guardian may sell lands, &c.

Act of January 29, 1821, 19 v. p. 104. Samuel Quinby authorized to sell lands belonging to the estate of John Leavitt.

Act of February 2, 1821, 19 v. p. 130. Horatio Bruce appointed agent for John Beasley's heirs.

Act of January 25, 1822, L. L. 1821—2, p. 20. George Parsons, administrator of Calvin Austin, authorized to sell lands.

Act of February 2, 1822, L. L. 1821—2, p. 48. The guardian of James and Thomas C. Wilson, may convey lands to James Galloway, jun.

Act of February 2, 1822, L. L. 1821—2, p. 49. Alexander M'Coy appointed agent for James Dunlap's heirs.

Act of December 28, 1822, L. L. 1822—3, p. 6. Overseers of the poor in Reily, Butler county, may make a deed for land to Michael O. Dugan.

Act of January 25, 1823, L. L. 1822—3, p. 54. Mary Clecker, administratrix of Joseph Clecker, may sell equitable interest in land.

Act of December 29, 1823, L. L. 1823—4, p. 4. Sally Robinson and James Stewart, appointed agents for William Robinson's heirs.

Act of December 10, 1823, L. L. 1823—4, p. 6. Benjamin M. Piatt and N. Longworth, appointed agents for John H. Piatt's personal representatives.

Act of February 2, 1824, L. L. 1823—4, p. 4. Erastus Griswold may sell lands of the devisees of Zacheus Griswold.

Act of February 5, 1824, L. L. 1823—4, p. 4. Daniel Bumgarner may sell lands of Rebecca Bumgarner.

Act of January 28, 1824, L. L. 1823—4, p. 39. John Pool, guardian, may sell lands of Thomas Pool's heirs.

Act of February 6, 1824, L. L. 1823—4, p. 76. Lyne Starling authorized to complete contracts, sell lands, &c. of Lucas Sullivan's heirs.

Act of February 11, 1824, L. L. 1823—4, p. 86. Noah Fidler, guardian of Carlton Belt's heirs, may sell land.

Act of February 17, 1824, L. L. 1823—4, p. 93. Abram I. McDowell appointed agent to sell the lands of Harriet Backus.

Attachment.

[Adopted from Pennsylvania—published June 1, and took effect, August 15, 1795, Maxwell's ed. T. L. p. 26.]

SEC. 2. As soon as the justice of the peace, before whom
Proceedings of the writ of attachment is returnable, accepts the constable's
justice. return thereof, the said justice shall immediately appoint
two substantial freeholders, to take into their custody all the
goods and chattels attached, for which they shall be account-
able, until they shall dispose of the same, as herein after is
directed; and shall, also, forthwith publish his said proceed-
ings, by advertisements, in the most public places, near the
late dwelling place of the person so, as aforesaid, absenting;
and likewise in one, or more, of the public newspapers within
this territory; appointing the time and place for all the cre-
ditors of the person, against whose effects and estate the
Cause to be attachment is granted, to appear, then and there to discover
certified to and make proof of their demands: and if, after a full and
court. careful examination, it shall appear, that there is a just debt
due to any one person from the said defendant, exceeding
the sum of twelve dollars; then, and in every such case, the
said justice of the peace, shall no further proceed; but shall
deliver and certify to the prothonotary of the court of com-
mon pleas, for the same county, the said attachment, and all
proceedings thereon had before him: whereupon, it shall and
may be lawful, for the justices of the said court, to grant and
issue one writ of attachment, only, to the person or persons
who obtained the said attachment from the said justice of the
Lands, &c. to peace (if he demand the same) or, if not, then to any other
be attached. creditor of the defendant, to the sheriff of the same county
directed, requiring him to attach all the goods, chattels,
rights and credits, lands, tenements, and hereditaments of
the said defendant, within his bailiwick. By virtue of which
writ, the said sheriff shall, together with the residue of the
said defendant's real and personal estate in the same county,
attach, and take into his custody, all the goods and chattels
of the said defendant (or the product of such part of them,
as may be sold, according to the direction of this law) then
in the hands and possession of the said freeholders, and,
upon the return of the said writ of attachment, by the said

sheriff, the justices of the said court of common pleas, and all other persons acting under their authority, shall proceed thereon, in like manner, and shall have the same jurisdiction and powers, for the discovering, selling, collecting, compelling payment of, receiving and distributing the estate, real and personal, of the defendant among his creditors, as they might or could have had, if the said writ of attachment had, according to the laws of this territory, issued out of the same court.

Proceedings
before court of
common pleas

SEC. 3. When any attachment shall be granted by any justice of the peace, or any writ of attachment shall issue out of any inferior court, according to the directions of this law, no second or other attachment, or writ of attachment, granted or issued by the said justice, or any other justice within the same county, or by the justices of the same inferior court, against the real or personal estate of the same defendant, or the execution of them, or any of them, shall bind or affect the right, title, interest or property of, or in, the real or personal estate of the same defendant, within the same county, or any part thereof; while the proceedings on the said first attachment, or writ of attachment, remain undetermined: any law, usage or custom, to the contrary, notwithstanding.*

First attach-
ment to have
its effect be-
fore a second
issues.

[Adopted from New Jersey—published, July 15—took effect October 1, 1795, Maxwell's ed. T. L. p. 197.]

A law allowing foreign attachments.

SEC. 1. The lands and tenements, goods, chattels and effects, rights and credits of every person or persons non-resident in this territory, shall and may be attached, for the payment of any just debt or other demand, by a writ or writs to be issued out of the general court, or any circuit court, or court of common pleas; and, as early as may be, shall and may be proceeded against in the same manner as is directed against the lands, tenements hereditaments and estates of absconding debtors; except where otherwise herein directed.

Lands, tene-
ments, &c. of
non-residents,
may be at-
tached.

SEC. 2. *Provided*, That every person or persons applying for such writ or writs of attachment, shall, before the issuing thereof, make oath or affirmation (and which shall be filed in the proper clerk's office) that he, she or they verily believe, that the person or persons against whose estate, or estates, the application is made, is, or are, not, at that time, resident within the territory; and that such person or persons is, or are, justly, indebted unto the said plaintiff, or plaintiffs,

Oath to be
made.

*Section 1, provides that the justice may issue the writ for any sum not exceeding \$12.

in a certain sum or sums of money, as nearly as may be, to the amount of the debt or other demand of such plaintiff, or plaintiffs, as the case may admit; and as he, she, or they can lawfully swear or affirm to.

The writ may issue against the separate and joint estate of joint debtors, or against their heirs.

SEC. 3. Where two or more persons are jointly indebted, either as joint obligors, partners, or otherwise, then the writ or writs of attachment shall and may be issued against the separate and joint estate of such joint debtors, or any of them, either by their proper names, or by or in the name or style of the partnership; or by whatever other name or names such joint debtors shall be generally reputed, known or distinguished within this territory; or against the heirs, executors or administrators of them; or either or any of them. And the lands, tenements, goods, chattels and effects, or any of them shall be liable to be seized and taken for the satisfaction of any just debt, or other demand; and may be sold to satisfy the same.

When judgment may be entered.

Notice to be given of pendency of the writ.

What to contain.

SEC. 4. No judgment shall be entered in any attachment, hereby directed to be issued, until the expiration of twelve months; during which term the party suing out the attachment shall, and he is hereby required to cause notice thereof to be advertised in one of the public newspapers of this territory, at least three times; and shall, in like manner, cause the same to be advertised in one of the newspapers, at the seat of the United States' government, wherever it may then be; and also in one of the newspapers, published in Kentucky: which advertisement shall set forth, that a foreign attachment or attachments have been issued, at whose suit, and against whose estate or estates the same so issued; and that unless the debtor or debtors, whose estate or estates are so seized, shall appear, by himself or attorney, to give special bail to answer such suit, that then, judgment will be entered against such debtor or debtors by default, and the estate or estates attached, be sold for the satisfaction of all creditors who shall appear to be justly entitled to a demand thereon, and shall apply for that purpose.

[Act of January 18, 1802, 1 sess. 2 G. A. T. p. 5.]

An act allowing and regulating writs of attachment.

Writ to issue on oath.

SEC. 1. That if any creditor, or in case of his absence or disability, his agent or attorney, shall make oath or affirmation, in writing, before any judge of the general court, justice of the court of common pleas, or justice of the peace, that his debtor absconds to the injury of his creditors, as he verily believes, and shall file such oath or affirmation with the clerk of the general court or prothonotary of the common pleas, such clerk or prothonotary shall thereupon issue a writ of

attachment, directed to the sheriff or coroner, as the case may require, commanding him to attach the lands, tenements, goods, chattels, rights, credits, monies and effects of such debtor wheresoever they may be found; and if any clerk or prothonotary shall issue such writ of attachment before oath or affirmation be taken and filed as aforesaid, such writ shall be quashed; on motion, at the proper cost of the clerk or prothonotary issuing the same.

SEC. 2. That the manner of executing such writ shall be as follows: The officer to whom it is directed shall go to the place where the defendant's property is or may be found, and there, in the presence of two credible persons at least, declare that by virtue of the writ to him directed, he attaches the lands, tenements, goods, chattels, rights, credits, monies and effects of the said defendant, at the suit of such plaintiff in attachment; and the said officer with the assistance of two or more respectable freeholders, who shall be under oath or affirmation, shall make a true inventory and appraisement of all the property so by him attached, which inventory and appraisement shall be signed by the said officer and freeholders aforesaid, and shall be annexed to and returned together with the writ; and the said officer shall endorse on the said writ, the time of serving the same and subscribe his name thereto, and the property, so attached, shall be bound from the time of serving such attachment. Manner of executing.

SEC. 8. That it shall be the duty of the court, at the return of such writ of attachment, to appoint three discreet persons, to audit and adjust the accounts and demands of the plaintiff, and of so many of the creditors of the defendant in attachment as may have applied to the court, or shall apply to the auditors for that purpose, before they shall have closed their report, which report shall be made in writing, signed by the said auditors, or any two of them, and shall be returned to the court from which such writ of attachment issued, and at the third term, including the term to which the writ of attachment was returned, final judgment shall be entered on such report: *Provided always*, That the defendant shall have been called three times at each of the said terms and have made default, and those defaults shall have been entered by the clerk: *And provided also*, That if the said defendant in attachment shall appear at either of the said terms, before judgment shall be entered as aforesaid, and shall enter into special bail, then the said attachment and all proceedings thereon shall be stayed as to the suit in which such bail shall be given, and if special bail shall be given to the suit of the plaintiff in such attachment, then all costs that may have accrued on such attachment shall abide the event of such suit, and all further proceedings on the attachment shall cease. Court to appoint auditors.
Judgment on report.
Proviso.
Proviso.

Court may order a sale of lands.

Proviso: notice to be given.

Proviso: lands not to be sold if rents will pay debt.

Sales by auditors binding.

Lands of non-residents may be attached.

Proviso.

SEC. 11. That after judgment shall be entered by default, on the report of the said auditors, against the defendant in attachment, it shall be lawful for the said auditors, or any two of them, and they are hereby required, by virtue of an order from the court, to sell and convey the goods, chattels, rights, credits and effects, lands and tenements, which were taken and attached as aforesaid, or such part thereof as may be necessary to satisfy the demand of the plaintiff, and of the other creditors, who may have applied as is herein before directed, together with the costs: *Provided*, That notice of such sale shall be set up in writing at three of the most public places within the county, at least, or be advertised in a newspaper, published in the county, for the space of fifteen days, at least, prior to such sale; nor shall any sale be made of such lands and tenements in less than twelve calendar months from the return of such writ of attachment, nor of any goods, chattels, rights, credits or effects, till final judgment be had against the defendant as aforesaid, unless they be of a perishable nature, and then the court may, at any time, direct the said auditors, or any two of them, to sell such perishable articles; in which case, advertisements set up in three of the most public places within the township, at least five days prior to such sale, shall be sufficient, and the rights, credits and choses in action, which may be sold by virtue of this act, shall be transferred or endorsed by the said auditors, or any two of them, to the purchaser, which endorsement shall transfer the right and property thereof, to the said indorsee, so as to enable him to sue for, and recover, the same in his own name and for his own use: *And provided also*, That if any lands, taken in attachment, will rent for the amount of the debts proved against such defendant in seven years, as in other cases, such lands shall not be sold as goods and chattels.

SEC. 13. That every bargain, sale, assignment and conveyance, made by the said auditors, or any two of them, by virtue of the authority herein granted, shall be as binding and effectual as if the same had been made by the said defendant, prior to the service of the said attachment.

SEC. 15. That the goods, chattels, lands, tenements, rights, credits, monies and effects of persons residing out of this territory, shall be liable to be attached, taken, proceeded against, sold, assigned and transferred for the payment of their debts, in the same manner, as nearly as may be, as is herein provided with respect to other debtors: *Provided*, That instead of the oath or affirmation herein before provided, the applicant for such writ of attachment, his agent or attorney, shall make oath or affirmation, that the defendant is not, at that time, resident within the territory, as he verily believes, and that the said defendant is justly indebted to him in a sum of money, specifying, as nearly as he can, the amount of his de-

mand or balance: *And provided also*, That no judgment shall be entered by virtue of this section until notice for the space of three months shall be given in one of the newspapers published in this territory, of the issuing of such attachment, and at whose suit, against whose estate, from what court the same issued, and that unless the defendant in attachment shall appear, give special bail, and receive a declaration, judgment will be entered and the estate so attached will be sold for the benefit of the creditors. Proviso.

SEC. 16. That where two or more are jointly bound or indebted, either as joint obligors, partners or otherwise, the writ of attachment may be issued against the separate or joint estate, or both of such joint debtors, or any of them or against the heirs, executors or administrators of them, or any of them; and the estate, so attached, whether it be joint or separate, shall be liable to be sold and assigned in manner aforesaid. How writ may issue when two are jointly bound.

SEC. 17. That in case of the death of a debtor, residing out of this territory, the writ of attachment, as above provided, may issue against his heirs, executors or administrators; and if any defendant shall die after the issuing of any writ of attachment, the said writ shall not abate thereby, but the same shall be carried on to judgment, sale, transfer and distribution, as if such death had not happened, and all proceedings which shall be had in such case, shall be as valid as if the defendant had been living. Writ may issue against heirs.

SEC. 21. That the act, entitled "A law allowing domestic attachments," published at Cincinnati, the first day of June, in the year of our Lord one thousand seven hundred and ninety-five, and also, the act, entitled "A law regulating domestic attachments," published at Cincinnati, the said first day of June, in the year of our Lord one thousand seven hundred and ninety-five, and also, the law, entitled "A law allowing foreign attachments," published at Cincinnati, the fifteenth day of July, in the year of our Lord one thousand seven hundred and ninety-five; be, and the same are hereby repealed: *Provided*, That nothing herein contained shall affect the proceedings on any attachment now pending and undetermined; but the same shall be continued and conducted according to the rules and practice established under the acts of the territory, heretofore in force. Acts repealed. Proviso.

[Act of February 21, 1805, 3 v. L. O. p. 81.]

An act allowing and regulating writs of attachment.

SEC. 1. That if any creditor, or in case of his absence or disability, his agent or attorney, shall make oath or affirmation, in writing, before any judge of the supreme court, pre- Writ to issue on oath of party.

sident or associate judge of the court of common pleas, or justice of the peace, that his debtor absconds to the injury of his creditors, as he verily believes; and shall file such oath or affirmation with the clerk of the supreme court, or the clerk of the common pleas, such clerk shall thereupon issue a writ of attachment, directed to the sheriff or coroner, as the case may require, commanding him to attach the lands, tenements, goods, chattels, rights, credits, monies and effects of such debtor, wheresoever they may be found; and if any clerk shall issue such writ of attachment, before oath or affirmation be taken and filed as aforesaid, such writ shall be quashed on motion, at the proper cost of the clerk issuing the same.

How executed.

SEC. 2. That the manner of executing such writ, shall be as follows: The officer to whom it is directed, shall go to the place where the defendant's property is or may be found, and there, in the presence of two credible persons at least, declare, that, by virtue of the writ to him directed, he attaches the lands, tenements, goods, chattels, rights, credits, monies and effects of the said defendant, at the suit of such plaintiff in attachment, and the said officer, with the assistance of two or more respectable freeholders, who shall be under oath or affirmation, shall make a true inventory and appraisement of all the property so by him attached, which inventory and appraisement shall be signed by the said officer and freeholders aforesaid, and shall be annexed to and returned together with the writ; and the said officer shall endorse, on the said writ, the time of serving the same and subscribe his name thereto, and the property so attached shall be bound from the time of serving such attachment.

Court to appoint auditors

SEC. 8. That the court, at the return of such writ of attachment, shall appoint three discreet persons to audit and adjust the accounts and the demands of the plaintiff, and so many of the creditors of the defendant in attachment, as may have applied to the court or shall apply to the auditors for that purpose, before they shall have closed their report, which report shall be made in writing, signed by the said auditors or any two of them, and shall be returned to the court from which such writ of attachment issued, and at the third term, including the term to which the writ of attachment was returned, final judgment shall be entered on such report:

Judgment on their report.

Proviso.

Provided, That the defendant shall have been called three times at each of the said terms and have made default, and those defaults shall have been entered by the clerk: *Provided also*, That if the said defendant in attachment, shall appear at either of the said terms, before judgment shall be entered as aforesaid, and shall enter into special bail, then the said attachment and all proceedings thereon shall be stayed as to the suit in which such bail shall be given, and if special bail shall be given to the suit of the plaintiff in such attachment, then all costs that may have accrued on

such attachment shall abide the event of such suit, and all further proceedings on the attachment shall cease.

Sec. 11. That after judgment shall be entered by default, Auditors may on the report of the said auditors, against the defendant in sell lands. attachment, it shall be lawful for the said auditors, or any two of them, and they are hereby required, by virtue of an order from the court, to sell and convey the goods, chattels, rights, credits and effects, lands and tenements, which were taken and attached as aforesaid, or such part thereof as may be necessary to satisfy the demand of the plaintiff and of the other creditors who may have applied, as is herein before directed, together with the costs: *Provided*, That notice of such sale shall be set up in writing, at three of the most public places within the county, at least, or be advertised in a newspaper, published in the county, for the space of fifteen days, at least, prior to such sale; nor shall any sale be made of such lands and tenements, in less than twelve calendar months from the return of such writ of attachment, nor of any goods, chattels, rights, credits or effects until final judgment be had against the defendant as aforesaid, unless they be of a perishable nature and then the court may, at any time, direct the said auditors, or any two of them, to sell such perishable articles, in which case advertisements set up in three of the most public places, within the township, at least ten days prior to such sale, shall be sufficient; and the rights, credits and choses in action, which may be sold by virtue of this act, shall be transferred or endorsed by the said auditors, or any two of them, to the purchaser, which endorsement shall transfer the right and property thereof to the said endorsee, so as to enable him to sue for and recover the same in his own name and for his own use: *Provided also*, That if any lands taken in attachment, will rent for the amount of the debts proved against such defendant in seven years, as in other cases, such lands shall not be sold as goods and chattels.

Not to be sold in less than 12 months.

Notice to be given.

Proviso: if rents will pay the debt the lands shall not be sold.

Sec. 13. That every bargain, sale, assignment and conveyance, made by the said auditors, or any two of them, by virtue of the authority herein granted, shall be as binding and effectual as if the same had been made by the said defendant, prior to the service of the said attachment.

Sales made by auditors binding.

Sec. 15. That the goods, chattels, lands, tenements, rights, credits, monies, and effects, of persons residing out of the state, shall be liable to be attached, taken, proceeded against, sold, assigned and transferred, for the payment of their debts, in the same manner, as nearly as may be, as is herein provided with respect to other debtors: *Provided*, That instead of the oath or affirmation herein before provided; the applicant for such writ of attachment, his agent or attorney, shall make oath or affirmation, that the defendant is not, at that time, resident within the state, as he verily

Lands of non-residents liable to attachment.

Proviso.

Proviso.

believes, and that the said defendant is justly indebted to him in a sum of money, specifying as nearly as he can the amount of his demand or balance: *Provided also*, That no judgment shall be entered by virtue of this section until notice for the space of three months, shall be given in one of the newspapers published in this state, of the issuing of such attachment, and at whose suit, against whose estate, from what court the same issued, and that unless the defendant in attachment shall appear, give special bail and receive a declaration, judgment will be entered and the estate so attached, sold for the benefit of the creditors.

Writ may issue jointly and severally against joint debtors.

SEC. 16. That where two or more are jointly bound or indebted, either as joint obligors, partners or otherwise, the writ of attachment may be issued against the separate or joint estate, or both of such joint debtors, or any of them, or against their heirs, executors or administrators, and the estate so attached, whether it be joint or separate, shall be liable to be sold and assigned in manner aforesaid.

Writ may issue against heirs, &c.

SEC. 17. That in case of the death of a debtor, residing out of this state, the writ of attachment, as above provided, may issue against his heirs, executors or administrators, and if any defendant shall die after the issuing of any writ of attachment, the said writ shall not abate thereby, but the same shall be carried on to judgment, sale, transfer and distribution, as if such death had not happened, and all proceedings which shall be had in such case, shall be as valid as if the defendant had been living.

Compensation to auditors.

SEC. 19. That the auditors shall be allowed a reasonable compensation for their services, which shall be taxed by the court and paid out of the defendant's estate.

Justices may issue writ against lands.

SEC. 20. That any justice of the peace within this state, on application and affidavit to the purpose aforesaid, shall and he is hereby required to issue an attachment, under his hand and seal, for any sum not exceeding the amount cognizable by a justice of the peace in other cases, directed to a constable, who shall execute the same in manner aforesaid, on the goods, chattels, rights, credits, monies and effects of the defendant's within the county, and if the creditor shall make sufficient proof of the debt due to him, and also of the goods, chattels, rights, credits, monies and effects, in the hands of the garnishee, the said justice shall give judgment therein for the plaintiff and award execution thereon, either against the effects of the defendant or against the garnishee, as the case may require, but the effects of the defendant therein taken, shall not be sold in less than three months, unless the same are perishable, to the end that the debtor or his agent may redeem them, and the property so attached shall be inventoried in such manner as the justice may direct; and if the plaintiff shall fail in proving a demand against the defendant, or in proving the effects in the hands

of the garnishee, he shall pay cost: *Provided*, That no judgment shall be entered by such justice within thirty days from the time of suing out such attachment, and it shall be the duty of such plaintiff forthwith after the issuing of the attachment, to advertise in three of the most public places within the county, that an attachment hath been taken out from such justice against such absconding debtor: and any attachment issued from the supreme court or from any court of common pleas of the same county, shall be a *supersedeas* to all attachments issued by a justice of the peace against the same defendant, and which may be undetermined at the time of serving the said writ; and it shall and may be lawful for the officer executing such writ, to take into his possession all goods and chattels attached by the constable, and the plaintiffs in such attachment so superseded, shall be entitled to their costs and also to their several debts, in proportion with the other creditors, as in this act before mentioned: *Provided* also, That where the demand preferred to the justice of the peace by any of the creditors, exceeds the sum of fifty dollars, the justice shall forthwith make out a transcript of his proceedings and certify the same to the court of common pleas: *And provided also*, That if on the return of an attachment issued against the goods, chattels, rights, credits, monies and effects of an absent debtor, it shall appear to the justice that there was no goods, chattels, rights, credits, monies and effects, on which to levy, the justice in such case, on the application of the plaintiff, may issue an attachment against the lands and tenements of the defendant, and the constable shall levy the said writ of attachment in the same manner sheriffs are directed to do by this act, and on the return thereof, the justice shall forthwith certify his proceedings, together with the constable's return, to the court of common pleas next to be holden for the proper county, and the court of common pleas shall proceed in the same as if the writ of attachment had originally issued from said court. Proviso.

SEC. 21. That the act, entitled "A law allowing domestic attachments," published at Cincinnati, the first day of June, one thousand seven hundred and ninety-five; and also the act, entitled "A law regulating domestic attachments," published at Cincinnati the first day of June, one thousand seven hundred and ninety-five; and also a law, entitled "A law allowing foreign attachments," published at Cincinnati, the fifteenth day of July, one thousand seven hundred and ninety-five, and also the act, entitled "An act allowing and regulating writs of attachment," passed the eighteenth day of January, one thousand eight hundred and two, be and the same are hereby repealed: *Provided*, That nothing herein contained, shall affect the proceedings or [on] any attachment now pending and undetermined. Laws and acts repealed.

Effect.

This act to take effect and be in force from and after the first day of June next.

[*Act of February 14, 1810, 8 v. L. O. p. 122.*]

An act allowing and regulating writs of attachment.

Writ to issue
on oath of
party.

SEC. 1. That if any creditor, or in case of his absence or disability, his agent or attorney, shall make oath or affirmation, in writing, before any judge of the supreme court, president or associate judge of the court of common pleas, or justice of the peace, that his debtor absconds to the injury of his creditors, as he verily believes, and shall file such oath or affirmation with the clerk of the court of common pleas, such clerk shall thereupon issue a writ of attachment, directed to the sheriff or coroner, as the case may require, commanding him to attach the lands, tenements, goods, chattels, rights, credits, monies and effects of such debtor wheresoever they may be found; and if any clerk shall issue such writ of attachment, before oath or affirmation be taken and filed as aforesaid, such writ shall be quashed on motion, at the proper cost of the clerk issuing the same.

Service and
return.

SEC. 2. That the proper manner of executing such writ, shall be as follows: The officer to whom it is directed, shall go to the place where the defendant's property is or may be found, and there in the presence of two creditable persons at least, declare that, by virtue of the writ to him directed, he attaches the lands, tenements, goods, chattels, rights, credits, monies and effects of the said defendant, at the suit of such plaintiff in attachment, and the said officer with the assistance of two or more respectable freeholders, who shall be under oath or affirmation, shall make a true inventory and appraisement of all the property so by him attached, which inventory and appraisement shall be signed by the said officer and freeholders aforesaid, and shall be annexed to and returned together with the writ; and the said officer shall endorse on the said writ the time of serving the same and subscribe his name thereto; and such writ when served shall bind the property and estate of the defendant so as aforesaid attached, from the time of executing the same.

Auditors to be
appointed.

SEC. 3. That the court at the return of such writ of attachment, shall appoint three discreet and disinterested persons to audit and adjust the accounts and demands of the plaintiff, and so many of the creditors of the defendant, in attachment, as may have applied to the court, or shall apply to the auditors for that purpose, before they shall have closed their report, which report shall be made in writing, signed by the said auditors or any two of them, and shall be return-

To make re-
port in writ-
ing.

ed to the court from which such writ of attachment issued, and at the third term, including the time to which the writ of attachment was returned, final judgment shall be entered on such report: *Provided*, That the defendant shall have been *Proviso*. called three times at each of the said terms, and an entry of the same shall have been made by the clerk: *Provided also*, *Proviso*. That if the defendant appears in any of the three terms aforesaid, and accept of a declaration at the suit of every, or any one of the said creditors, and enters into special bail, then the said writ of attachment and all the proceedings thereon, shall, at the suit wherein such special bail is given, be stayed, and all costs which shall have accrued on such attachment shall abide the event of the suit.

SEC. 11. That after judgment shall be entered by default, *Lands may be sold after judgment.* on the report of the said auditors, against the defendant in attachment, it shall be lawful for the said auditors, or any two of them, and they are hereby required, by virtue of an order from the court, to sell and convey the goods, chattels, rights, credits and effects, lands and tenements, which were taken and attached as aforesaid, or such part thereof as may be necessary to satisfy the demands of the plaintiff and of the other creditors who may have applied, as is herein before directed, together with costs: *Provided*, That notice of such *Proviso: notice to be given.* sale shall be set up in writing, at three of the most public places within the county, at least, or be advertised in a newspaper, published in the county, for the space of fifteen days, at least, prior to such sale; nor shall any sale be made of such lands and tenements in less than twelve calendar months from the *Not to be sold for 12 months.* return of such writ of attachment, nor of any goods, chattels, rights, credits or effects, till final judgment be had against the defendant as aforesaid, unless they be of a perishable nature, and then the court may, at any time, direct the said auditors or any two of them, to sell such perishable articles, in which case advertisements set up in three of the most public places within the township, at least ten days prior to such sale, shall be sufficient; and the rights and credits in action, which may be sold by virtue of this act, shall be transferred or endorsed by the said auditors or any two of them, to the purchaser, which endorsement shall transfer the right and property thereof to the endorsee, so as to enable him to sue for and recover the same in his own name and for his own use: *Provided also*, That any lands taken in attachment, which have improvements thereon, at the rate of ten acres per hundred, shall not be sold for less than two-thirds, nor lands without such improvements, for less than one-half of their appraised value by the inquest, as in case of lands, tenements and real estate taken and sold under execution; and such inquest is hereby required to be taken.

SEC. 13. That every bargain, sale, assignment and conveyance, made by the said auditors or any two of them, by *Sales by auditors valid.*

virtue of the authority herein granted, shall be as binding and effectual as if the same had been made by the said defendant prior to the service of the said attachment.

Lands of non-residents liable to attachment,

Proviso: notice to be given.

Writs may issue to counties where land lies.

Writs may issue jointly or severally against joint debtors.

SEC. 15. That the goods, chattels, lands, tenements, rights, credits, monies and effects of persons residing out of the state, shall be liable to be attached, taken, proceeded against, sold, assigned and transferred for (the payment of their debts, in the same manner, (as nearly as may be) as is herein provided with respect to other debtors: *Provided*, That instead of the oath or affirmation herein before provided, the applicant for such writ of attachment, his agent or attorney, shall make oath or affirmation, that the defendant is not, at that time, resident within the state, as he verily believes, and that the said defendant is justly indebted to him in a sum of money, specifying as nearly as he can the amount of his demand or balance: *Provided also*, That no judgment shall be entered by virtue of this section until notice for the space of three months shall be given in one of the newspapers, published in this state, of [the] issuing of such attachment, and at whose suit, against whose estate, from what court the same issued, and that unless the defendant in attachment shall appear, give special bail and receive a declaration, judgment will be entered, and the estate so attached sold for the benefit of the creditors.

SEC. 16. That if the plaintiff, or in his absence, his agent or attorney, shall make and file with the clerk as aforesaid, an affidavit, setting forth that he verily believes that the defendant in attachment hath lands, tenements and real estate, situated in other county or counties, (naming such county or counties) in the state than that in which such foreign attachment is sued out; it shall and may be lawful for the clerk, on the application of the plaintiff, his agent or attorney, to make out and seal another writ or writs of attachment, directed to the sheriff or coroner of the county in which such other lands, tenements and real estate may be situated, and the officer to whom such writ is directed or delivered, shall serve and return the same in the same manner, and for neglect or refusal shall be liable to the same penalty, as if such writ of attachment had issued, and been made returnable in his proper county; and on such attachment returned executed, there shall be had the same proceedings as in other cases of attachment.

SEC. 17. That where two or more are jointly bound or indebted, either as joint obligors, partners or otherwise, the writ of attachment may be issued against the separate or joint estate, of both of such joint debtors, or any of them, or against their heirs, executors or administrators, and the estate so attached, whether it be joint or separate, shall be liable to be sold and assigned in manner aforesaid.

SEC. 18. That in case of the death of a debtor residing out of this state, the writ of attachment as above provided, may issue against his heirs, executors or administrators; and if any defendant shall die after issuing of any writ of attachment, the said writ shall not abate thereby, but the same shall be carried on to judgment, sale, transfer and distribution, as if such death had not happened, and all proceedings which shall be had in such case, shall be as valid as if the defendant had been living.

May issue
against heirs.

Death of de-
fendant shall
not abate writ

SEC. 25. That any writ of attachment against any absconding or absent debtor, which may be issued out of the court of common pleas, shall be a *supersedeas* to all attachments issued by a justice of the peace, undetermined at the time of serving the said writ; and it shall and may be lawful for the sheriff or his deputy or other officer, to take into his possession all goods and chattels, attached by the constable, as fully and to all intents and purposes, as if the attachment issued by the justice had not been served; and the plaintiffs in said attachment shall be entitled to their several debts, with the costs that may have accrued, in proportion to the other creditors, as is before in this act mentioned and directed: *Provided*, That no constable shall be obliged to remove any goods, taken into his custody by virtue of any attachment, after the same shall have been seized and attached by the sheriff: *And provided also*, That if on the return of an attachment issued against the goods, chattels, rights, credits, monies and effects of any absconding or absent debtor, it shall appear to the justice that there was no goods, chattels, rights, credits, monies and effects, on which to levy, the justice in such case, on the application of the plaintiff, may issue an attachment against the lands and tenements of the defendant, and the constable shall levy the said writ of attachment in the same manner sheriffs are directed to do by this act; and on the return thereof, the justice shall forthwith certify his proceedings, together with the constable's return, to the court of common pleas next to be holden for the proper county, and the court of common pleas shall proceed in the same, as if the writ of attachment had originally issued from said court.

Writ issued
by court su-
persedes
one issued by
justice.

Justice may
issue against
lands.

SEC. 26. That the act, entitled "An act allowing and regulating writs of attachment," passed the twenty-first day of February, Anno Domini one thousand eight hundred and five, be, and the same is hereby repealed.

Act repealed.

This act shall take effect, and be in force, from and after the first day of June next.

[Act of January 28, 1813, 11 v. L. O. p. 44.]

An act to amend the act, entitled "An act allowing and regulating writs of attachment."

Judgment for plaintiff after three defaults.

Proviso.

Each creditor to file a declaration.

Action may be traversed.

Defendant to be three times called at three courts before judgment.

Proviso.

SEC. 1. That when any suit, in attachment, under the provisions of this act, or the act to which this is an amendment, shall be commenced, in any court in this state, such court shall, on motion of the plaintiff, after the defendant shall have been defaulted, at three successive terms of the court, to which such writ of attachment is returnable, as herein after mentioned, proceed in such suit, in favor of the plaintiff, or any other bona fide creditor of the defendant, and who may have applied to the court previous to the third term thereof, next after issuing such writ of attachment, in the same manner it is authorized to proceed in other cases of default: *Provided*, That the court, at the return term of such writ of attachment, or at any subsequent term, during the pendency of the suit, where, in consequence of complicated accounts of the plaintiff, or other creditors applying, as aforesaid, it shall be necessary, may appoint three discreet and disinterested persons to audit and adjust such accounts and report thereon, upon which report judgment may be rendered, unless on motion the same shall be set aside.

SEC. 2. That every plaintiff, in attachment, and also, every bona fide creditor, of the defendant, applying as aforesaid, shall file a sufficient declaration, or declarations, *de bene esse*, setting forth in a proper manner the cause or causes of action which such plaintiff or creditor may have against such defendant; and the defendant himself, or any one for him, may appear, either before said court or auditors or jury, and introduce evidence or otherwise resist the claim or demand of the plaintiff, or other creditor, as aforesaid, as in other cases of default, and shall have the same right to appeal or move in arrest of judgment, or move to set aside the proceeding for any alleged irregularity therein.

SEC. 3. That at the return term of the court to which such writ of attachment may be returnable, and at the two next succeeding terms thereof, the plaintiff shall cause the defendant or defendants, in attachment, to be three times called and defaulted, and each default entered on the minute book of the court, and no final judgment shall, in any case, be rendered against such defendant, or defendants, until he or they shall have been called and defaulted as aforesaid: *Provided nevertheless*, That it shall be competent for such defendant or defendants, in attachment, at either of said three terms, or at any time before the finding of a verdict, or the examination and adjustment of auditors, or the hearing and examination of the judges in the premises, to file special bail and plead, or to plead in custody, to any or all the declara-

tions which may have been filed, *de bene esse*, against him, her, or them; and from the time of filing such special bail, or pleading in custody, the operation of such attachment shall cease, to all intents and purposes, in respect to the plaintiff or plaintiffs, whose declaration or declarations may have been pleaded to as aforesaid: *Provided also*, That if any defendant or defendants, in attachment, shall elect to have the property attached remain in custody, such defendant or defendants may, within the time before specified, plead to such declaration or declarations, as may have been filed against him, her, or them, as aforesaid, without entering special bail, or pleading in custody.

SEC. 4. That the several powers granted, and duties en- Court may be joined by the act, to which this is an amendment, upon the auditors. auditors, (by the said act directed in all cases to be appointed) may severally be exercised by the court, in which any suit, hereafter instituted under the provisions of said act or of this act, may be pending, or by the proper ministerial officer or officers thereof, if such court do not deem it proper to appoint such auditors; or if such court should deem it most consonant to the principles of justice, and to the rights of an absent party, such court may, by its order or orders, entered of record, restrict the auditors to the exercise of such power only as may seem to them proper; and, in all cases, the report of auditors shall be subject to be rejected and set aside, on motion and good cause shewn; and the said auditors shall be subject to be displaced by the court, and others appointed in their stead, and proper instructions may, at any time, on motion be given them by the court as to any point of law touching the premises.

SEC. 6. That no writ of attachment, issued under the provisions of the act to which this is an amendment, shall be sustained, nor shall any declaration be filed in any such suit, except for cases arising out of, founded upon, or sounding in contract, any former construction of said act to the contrary notwithstanding. No writ of attachment shall issue except upon contract.

SEC. 7. That the eighth, fourteenth, twenty-first, twenty-third and twenty-fourth sections of the act to which this is an amendment, and all laws and parts of laws coming within the purview of this act, be, and they are hereby repealed. Acts, &c. repealed.

This act to take effect, and be in force, from and after the first day of May next.

NOTE.—Act of January 1, 1816—took effect May 1, 14 v. p. 46. Section 10 authorizes the proceedings, in certain cases, to be certified to court. Acts of February 11, 1812, and February 8, 1813, repealed.

Act of January 17, 1824, 22 v. p. 145. The acts of February 14, 1810, and of January 22, 1813, repealed.

Decrees in Chancery.

[*Act of February 17, 1804, 2 v. L. O. p. 261.*]

An act directing the mode of proceeding in the courts of chancery.

Decrees in
chancery how
enforced.

SEC. 8. That all decrees in courts of chancery shall be enforced by sequestration of the property of the party against whom the decree is made, until such decree is complied with, or by execution against the goods, chattels, lands and tenements, of such party as the court may direct, and as the case may require; and in all cases where costs are given, the party entitled thereto may take out an execution for the same, in like manner as executions are awarded in courts of law.

[*Act of February 19, 1810, 8 v. L. O. p. 187.*]

An act directing the mode of proceeding in chancery.

Decrees to
have the effect
of assignment.

SEC. 40. That the decree of either of the said courts sitting in chancery shall, from the time of their being pronounced, have the force, operation and effect of a judgment at law, from the time of the actual entry of such judgment.

Decree for
conveyance
to operate as
a conveyance.

SEC. 41. That where a decree shall be made for a conveyance, release or acquittance in either of the said courts, sitting as a court of chancery, and the party against whom the said decree shall pass, shall not comply therewith by the time appointed, then such decree shall be considered and taken in all courts of law and equity, to have the same operation and effect, and be as available as if the conveyance, release or acquittance had been executed conformably to such decree.

Decrees how
enforced.

SEC. 42. That to the end that all decrees of either of the said courts, sitting as a court of chancery, may be speedily executed and fulfilled, the complainant having obtained a decree, and the defendant not having complied therewith by the time appointed, it shall be lawful for the said court, on the application of the complainant, to issue process for the immediate sequestration of the real and personal estate of

the defendant, or so much thereof as may be sufficient to satisfy the demand of the complainant, in the decree specified, with costs, or to issue a writ of *fieri facias* against the goods and chattels, or a *fieri facias et levare facias*, against the goods and chattels, lands, tenements and real estate of the defendant, upon which sufficient property shall be taken and sold to satisfy the said demand with costs, or to issue a writ of *habere facias possessionem*, or to issue a *capias ad satisfaciendum* against the defendant, upon which writs of *fieri facias*, and *fieri facias et levare facias*, and *habere facias possessionem*, and *capias ad satisfaciendum*, there shall be the same proceedings as at law; or to cause, by injunction, the possession of the effects and estate demanded by the petition, and whereof the possession or sale is decreed, and as the nature of the case may require, and in case of sequestration, the court shall order payment and satisfaction to be made out of the estate so sequestered, according to the true intent and meaning of the decree.

SEC. 66. That an act, entitled "An act directing the mode of proceeding in the courts of chancery," passed the seventeenth day of February, one thousand eight hundred and four, and an act, entitled "An act to amend the act, entitled "An act regulating the proceedings of courts in chancery," passed February the third, one thousand eight hundred and seven, be, and the same are hereby, repealed.

This act shall take effect, and be in force, from and after the first day of May next.



[Act of December 24, 1812, 11 v. L. O. p. 7.]

An act supplementary to an act directing the mode of proceeding in chancery.

SEC. 2. That in all cases of bills in chancery, touching the equitable title to real estate, if such land lie in different counties in this state, it shall be competent for the court having jurisdiction of such cause, by reason that a part of such land lies in the county in which such court may be holden, in rendering a decree in the premises, to include in the provisions, orders or regulations of such decree, as well the lands lying in other counties as those lying in the county in which such court may be holden: *Provided always*, That such decree, as to so much thereof as relates to the equitable title to lands out of such county, shall have no operation against bona fide purchasers, until after such decree shall have been recorded in the office of the recorder of deeds for the county in which such lands may be situated: and it shall be competent for all plaintiffs having received judgment in this state, either

Courts may include in decree lands lying in different counties.

Provided.

Process may
issue to any
county.

at law or in chancery, and who are authorized thereon to sue out process of execution, to take out the same directed to the sheriff of any county in this state as formerly, or at the election of such plaintiff to institute his action upon such judgment, in any county within this state.

NOTE.—Act of January 22—took effect June 1, 1824, 22 v. L. O. p. 81.
Decrees to have the effect of a judgment at law. All other laws repealed.

Decrees in Divorce.

*[Adopted from Massachusetts—published July 15, and took effect
October 1, 1795, Maxwell's ed. T. L. p. 182.]*

A law respecting Divorce.

SEC. 3. Whenever a divorce shall be decreed on cause or aggression from the husband, the woman, if no issue of the marriage be living at the time of the divorce, shall be restored to all her lands, tenements and hereditaments, and be allowed out of the man's personal estate such alimony as the court may think reasonable, having regard to the personal property that came to him by the marriage, and his ability: but if there be issue living at the time of the divorce, then the court, in regard to ordering restoration, or granting alimony, may do as circumstances may seem to require; and on application from either party, may, from time to time, make, at their discretion, such alterations therein, as may be necessary.

SEC. 4. If the divorce arise from the cause or aggression of the wife, whether there be living issue, or not, of the marriage, the court may order to her the restoration of the whole or part, or no part of her lands, tenements and hereditaments, and may assign such alimony as shall be thought proper; and may also make such distribution between the parties of their children, (if any) as the court shall think proper.

[Act of December 29, 1804, § 1. L. O. p. 178.]

An act concerning divorce and alimony.

SEC. 4. That when a divorce shall be decreed in case of the aggression of the husband, the woman, if no issue of the marriage be living at the time of the divorce, shall be restored to all her lands and tenements and be allowed out of the man's real and personal estate, such share as the court shall think reasonable, having regard to the personal property that came to him by marriage, and his ability at the time of the divorce;

*Woman may
be restored to
all her lands,
or to a part.*

but if there be issue living at the time of the divorce, then, in that case, the court shall restore to the woman, such share of the personal property as circumstances may require; but if the divorce shall arise from the aggression of the wife, and there be no issue living of the marriage at the time of the divorce, the court may order to her restoration of the whole or part of her lands, tenements and hereditaments, as to them shall appear to be just and right, and also such share of the man's personal property as may appear reasonable, all circumstances considered.

May be barred
of dower.

SEC. 5. That when the cause of the divorce shall arise from the aggression of the wife, she shall be barred of her right of dower, whether there be issue or not.

Laws repeal-
ed.

SEC. 6. That the law respecting divorce, passed by the governor and judges at Cincinnati, the fifteenth day of July, one thousand seven hundred and ninety-five, and all other laws and parts of laws on the subject of divorce and alimony, be and they are hereby repealed.

Effect.

This act to take effect from and after the passage thereof.

NOTE—Act of January 11, 1822, 20 v. p. 11. By this act the one passed December 29, 1804, is repealed.

Act of January 7, 1824. 22 v. p. 342. The act of January 11, 1822, repealed.

Deeds how Executed and Recorded.

[Adopted from Pennsylvania—published, June 18—took effect August 1, 1795—Maxwell's ed. T. L. p. 102.]

A law establishing the recorder's office.

SEC. 1. There shall be an office of record, in each and every county, which shall be called and styled, *the Recorder's Office*, and shall be kept in some convenient place in the said respective counties; and the recorder shall duly attend the service of the same, and at his own proper costs and charges, shall provide parchment, or good large books of royal or other large paper, well bound and covered; wherein he shall record, in a fair and legible hand, all deeds and conveyances which shall be brought to him, for that purpose, according to the true intent and meaning of this law.

Office of record of deeds established.

SEC. 2. All deeds to be recorded, in pursuance of this law, whereby any estate of inheritance, in fee simple, shall hereafter be limited to the grantor and his heirs, the words grant, bargain, sell, shall be adjudged an express covenant to the grantee, his heirs and assigns, to wit: that the grantor was seized of an indefeasible estate, in fee simple, freed from incumbrances done or suffered from the grantor (except the rents and services that may be reserved) as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed, and that the grantee, his heirs, executors, administrators and assigns, may, in any action, assign breaches, as if such covenants were expressly inserted. *Provided always*, That this law shall not extend to leases at rack rent, or to leases not exceeding one and twenty years, where the actual possession goes with the lease.

What words in a deed shall be deemed an express covenant.

Proviso.

SEC. 3. If any person shall forge any entry of the acknowledgments, certificates or endorsements, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds: and if any person shall perjure himself, in any of the cases herein above mentioned, he shall incur the like penalties as if the oath or affirmation had been in any court of record.

Forgery of deeds punished.

Perjury.

SEC. 4. Every mortgagee of any real or personal estates, in this territory, having received full satisfaction and payment

Satisfaction of mortgages, how entered. of all such sum and sums of money as are really due to him, by such mortgage, shall, at the request of the mortgager, enter satisfaction upon the margin of the record of such mortgage, recorded in the said office; which shall, forever thereafter discharge, defeat and release the same, and shall, likewise, bar all actions brought or to be brought thereupon.

Forfeiture on mortgages for neglect. SEC. 5. And if such mortgagee, by himself or his attorney, shall not, within three months after request and tender made for his reasonable charges, repair to the said office, and there make acknowledgment, as aforesaid; he, she or they neglecting so to do, shall, for every such offence, forfeit and pay unto the party or parties aggrieved, any sum not exceeding the mortgage money: to be recovered in any court of record, by bill, plaint or information.

One recorder for each county. SEC. 6. There shall be appointed a recorder in every county, now or hereafter, to be erected. But, before any of the said recorders enter upon their respective offices, they shall become bound to the governor and his successors, with one or more sufficient sureties, in a bond for fifteen hundred dollars; conditioned for the true and faithful execution of his office, and for delivering up the records and other writings, belonging to the said office, whole, safe and undamaged, to his successor in the said office. Which said respective bonds, shall be filed in the secretary's office, and there safely kept, in order to be made use of for making satisfaction to the parties that shall be damaged or aggrieved, as is or shall be, in such cases directed by law.

Recorder to give bond under a penalty. SEC. 7. And no recorder whatsoever, now or hereafter appointed, as aforesaid, shall enter upon, or officiate in his said office, before he hath given such security, as aforesaid; upon pain of forfeiting the sum of three hundred dollars: one half to the territory, and the other half to him or them that shall sue for the same, to be recovered as aforesaid.

Deeds to be acknowledged or proved. SEC. 8. All deeds and conveyances, which shall be made and executed within this territory, of or concerning any lands, tenements or hereditaments therein, or whereby the same may be any way affected, in law or equity, shall be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing witnesses, to such deed, before one of the judges of the General Court, or before one of the justices of the court of common pleas of the county where the lands conveyed do lie; and shall be recorded in the recorder's office of the county, where such lands or hereditaments are lying and being, within twelve months after the execution of such deeds or conveyances: and every such deed and conveyance that shall, at any time after the publication hereof, be made and executed, and which shall not be proved and recorded as aforesaid, shall be adjudged fraudulent and void against any subsequent purchaser, or mortgagee, for valuable consideration: unless such deed or

Must be recorded in the county where lands lie.

conveyance be recorded as aforesaid, before the proving and recording of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim.

SEC. 9. Where the grantors and witnesses of any deed or conveyance, are deceased, or cannot be had, it shall and may be lawful to and for the judges of the general court, or any justice of the court of common pleas of the county where the lands lie, to take the examination of any witness or witnesses, on oath or affirmation to prove the hand writing of such deceased witness or witnesses: or where such proof cannot be had, then to prove the hand writing of the grantor or grantors, which shall be certified by the judge or justice, before whom such proof shall be made; and such deed or conveyance, being so proved, shall be recorded as is usual in other cases directed above by this law.

How proved
when grantors
or witnesses
are dead.

SEC. 10. Every recorder shall keep a fair book, in which he shall immediately make an entry of every deed or writing, brought into his office to be recorded; mentioning therein the date, the parties, and the place where the lands, tenements or hereditaments, granted or conveyed by the said deed or writing, are situate; dating the same entry on the day in which such deed or writing was brought into his office; and shall record all such deeds and writings, in regular succession, according to their priority or time in being brought into the said office; and shall also, immediately, give a receipt to the person bringing such deed or writing, to be recorded, bearing date on the same day with the entry, and containing the abstract aforesaid; for which entry and receipt, he shall take or receive no fee or reward whatever: and if any recorder shall record any deed or writing, before another first brought into his office to be recorded, or in any other manner than is herein directed; or shall neglect or refuse to make such an entry, or to give such a receipt as is herein before directed; or shall directly, or indirectly, take or receive any fee or reward for such entry and receipt, or either of them; he shall forfeit and pay, for every such offence, a sum not exceeding three hundred, nor less than one hundred dollars; one half to the use of the territory, and the other half to him or them that shall sue for the same: to be recovered in any court of record, by action of debt, bill or plaint, wherein no essoin, protection or wager of law, or more than one imparlance shall be granted.

Recorder's
duty.

Penalty on re-
corder for neg-
lect of duty.

[Adopted from Pennsylvania—published June 26,—took effect August 15, 1795—Maxwell's ed. T. L. p. 162.]

A law directing how husband and wife may convey their estates.

How husband
and wife shall
convey wife's
estate.

Acknowledg-
ments.

SEC. 1. WHERE any husband and wife shall hereafter incline to dispose of and convey the estate of the wife, or her right of, in or to any lands, tenements or hereditaments whatsoever, it shall and may be lawful to and for the said husband and wife, the wife being not less than twenty-one years of age, to make, seal, deliver and execute any grant, bargain and sale, lease, release, feoffment, deed, conveyance or assurance in the law, whatsoever, for the lands, tenements and hereditaments intended to be, by them, passed and conveyed: and after such execution, to appear before one of the judges of the general court, or before any justice of the court of common pleas, of and for the county where such lands, tenements or hereditaments shall lie, and to acknowledge the said deed or conveyance: which judge of the general court, or justice of the court of common pleas, shall, and he is hereby authorized and required to take such acknowledgment: in doing whereof he shall examine the wife separate and apart from her husband, and shall read, or otherwise make known, the full contents of such deed or conveyance, to the said wife: and if, upon such separate examination, she shall declare that she did voluntarily, and of her own free will and accord, seal, and as her act and deed, deliver the said deed or conveyance, without any coercion or compulsion of her said husband, every such deed or conveyance shall be, and the same is hereby, declared to be good and valid in law, to all intents and purposes, as if the said wife had been sole, and not convert at the time of such sealing and delivery: any law, usage or custom to the contrary, in any wise, notwithstanding.

How certified.

SEC. 2. *Provided*, That the judge or justice taking such acknowledgment shall, under his hand and seal, certify the same upon the back of the deed or conveyance.

Acknowledg-
ment of for-
eign deeds.

SEC. 3. All deeds and conveyances made and executed by husband and wife, not residing within this territory, and brought hither to be recorded in the county where the lands lie (the acknowledgments thereof being taken and made in the manner herein before directed, before any mayor or chief magistrate or officer of the cities, towns or places where such deeds or conveyances are or shall be made or executed, and certified under the common or public seal of such cities, towns or places) shall be as valid and effectual, in law, as if the same had been made and acknowledged, in manner aforesaid, before any judge of the general court of this territory: or before any justice of the court of common pleas, for the

county where the lands lie; any thing herein contained, to the contrary notwithstanding.

[Adopted from Connecticut—published and took effect May 1, 1798, Freeman's ed. T. L. p. 27.]

A law rendering the acknowledgment of deeds more easy.

[Sec. 1.] All grants and deeds made of houses and lands may be acknowledged before one of the judges of the territory, justice of the common pleas, or justice of the peace, any former law to the contrary notwithstanding. How deed may be acknowledged.

[Act of January 20, 1802, 1 sess. 2 G. A. T. p. 133.]

An act providing for the acknowledgment and recording of deeds in certain cases.

WHEREAS it has been represented to this legislature, that, in many instances, deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this territory, have been executed, acknowledged or proved in other states and countries, in pursuance to the laws and customs of such states and countries; and whereas doubts are entertained respecting the validity and legal effect of such acknowledgments and proofs, and of the propriety of admitting such deeds and conveyances so acknowledged and proved to be recorded within said territory: Therefore, to remove all doubts, and to render such acknowledgments and proofs equally valid and effectual in law, with acknowledgments and proofs of deeds made within the territory and in strict compliance with the acts and laws thereof: Preamble.

SEC. 1. That all deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this territory, heretofore executed, and which said deeds and conveyances have been, or hereafter may be acknowledged or proved, according to and in compliance with the laws and usages of the territory, state or country, in which such deeds and conveyances were acknowledged and proved, or in which they shall be acknowledged or proven, are hereby declared effectual and valid in law to all intents and purposes as though the same acknowledgments had been taken or proof of execution made within this territory, and in pursuance to the acts and laws thereof: and such deeds, so acknowledged or proved as aforesaid, may be admitted to be recorded in the respective counties in which such lands, Foreign deeds heretofore executed declared valid if recorded in two years.

Deeds, proved according to laws when executed and recorded here, confirmed.

tenements and hereditaments do or may lie, any thing in the acts and laws of the territory to the contrary thereof notwithstanding: *Provided*, That such deeds and conveyances, so executed, acknowledged or proven, or to be acknowledged and proven, be recorded within two years from the passing this act: *And provided also*, That all deeds and conveyances of lands, tenements and hereditaments, situated within this territory, which have been acknowledged or proved in any other territory, state or country, according to and in compliance with the laws and usages of such territory, state or country; and which deeds or conveyances have been recorded within this territory, be, and the same are hereby, confirmed and declared effectual and valid in law to all intents and purposes, although the said deeds or conveyances so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved within this territory.

Deeds made out of the territory to be certified

SEC. 2. That all deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this territory, which shall hereafter be made, executed and acknowledged, or proved, in any other territory, state or country whatever, shall not be admitted to be recorded within this territory, unless such deed or conveyance shall be accompanied with a certificate annexed, of some clerk or prothonotary of a court of record, or a notary public of the county, state or country in which such acknowledgment was taken, or proof made under the seal of the court or office, (as the case may be) stating that the acknowledgment was taken, or proof made, before a competent authority, according to the laws and usages of such state or country, which certificate, so made and annexed, shall be recorded, together with the deed or conveyance, and shall have like effect in law as though the same had been acknowledged or proven within this territory, and no other.

Certificate to be recorded.

Foreign deeds to be recorded in one year.

SEC. 3. That all deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this territory, which shall hereafter be made and executed in any other territory, state or country, whereby such lands, tenements and hereditaments shall be conveyed in whole or in part, or otherwise affected or incumbered in law, shall be acknowledged or proved and certified as aforesaid, and recorded in the county in which such lands, tenements or hereditaments, so conveyed or affected, shall be situate, within one year after the day on which such deed was executed. And all deeds and conveyances which shall be made and executed within the said territory, for the conveyance of any lands, tenements or hereditaments, situated within the same, whereby such lands, tenements and hereditaments shall be conveyed, affected or incumbered, shall be acknowledged or proven, and recorded within six months from the actual time

Domestic deeds to be acknowledged or proven, and recorded in six months.

of signing or executing such deeds; and if any deed or conveyance of lands, tenements and hereditaments, made and executed, or to be made and executed, whereby the same shall be affected in law, or in any manner incumbered, shall not be acknowledged or proved, and recorded within the respective terms allowed by this act, the same shall be deemed fraudulent against any subsequent bona fide purchaser or purchasers, without knowledge of the existence of such former deed or conveyance.

SEC. 4. That deeds for lands, tenements or hereditaments, lying within this territory, may be acknowledged before a justice of the common pleas or of the peace, of any county in the territory, and be recorded in that county in which such lands, tenements and hereditaments are situated; and such acknowledgments shall have like effect as though made in the same county in which such lands, tenements and hereditaments do or shall lie.

Before whom
acknowledg-
ment may be
made.

SEC. 5. That so much of the acts and laws of the territory as come within the purview of this act, be, and the same are hereby, repealed.

Part of acts,
&c. repealed.



[Act of February 14, 1805, 3 v. L. O. p. 150.]

An act providing for the execution and acknowledgment of deeds.

SEC. 1. That all deeds for the conveyance of lands, tenements and hereditaments, situate, lying and being within this state, shall be signed and sealed by the grantor, in presence of two witnesses, who shall subscribe the said deed or conveyance, attesting the acknowledgment of the signing and sealing thereof, and if executed within this state, shall be acknowledged by the party or parties, or proven by the subscribing witnesses, before a judge of the court of common pleas or a justice of the peace, in any county in this state.

Deeds, how to
be executed.

SEC. 2. That where any husband and wife shall incline to dispose of and convey the estate of the wife, or her right in or to any lands, tenements or hereditaments whatsoever, it shall and may be lawful for the said husband and wife, she being not less than eighteen years of age, to make, seal, deliver and execute, any grant, bargain and sale, lease, release, feoffment, deed, conveyance or assurance, in the law whatsoever, for the lands, tenements and hereditaments, intended to be by them passed and conveyed, and after such execution to appear before a judge of the supreme court or court of common pleas, or a justice of the peace, and acknowledge the same, which judge or justice of the peace is hereby authorized and required to take such acknowledgment, in doing whereof, he shall examine the wife separate and apart from

How husband
and wife may
convey wife's
estate.

Must be acknowledged and certified under hand and seal of officer.

her husband, and shall read or otherwise make known the full contents of such deed or conveyance to the said wife, and if, upon such separate examination, she shall declare that she did voluntarily and of her own free will and accord, seal, and as her act and deed, deliver the said deed or conveyance without any coercion or compulsion of her husband, every such deed or conveyance shall be and the same is hereby declared to be, good and valid in law, to all intents and purposes, as if the said wife had been a sole and not covert at the time of such sealing and delivery, and the judge or justice, taking such acknowledgment, shall, under his hand and seal, certify the same upon the back of the deed or conveyance.

Deeds heretofore executed in conformity to law declared valid.

SEC. 3. That all deeds and conveyance of lands, tenements and hereditaments, situate, lying and being within this state, heretofore executed, and which said deeds and conveyances have been or hereafter may be acknowledged or proved, according to and in compliance with the laws and usages of the territory, state or country, in which such deeds and conveyances were acknowledged and proved, or in which they shall have been acknowledged or proven, are hereby declared effectual and valid in law, to all intents and purposes, as though the same acknowledgments had been taken or proof of execution made within this state, and in pursuance of the acts and laws thereof, such deeds and conveyances, so acknowledged and proved as aforesaid, may be admitted to be recorded in the respective counties in which such lands, tenements and hereditaments do or may lie:

Proviso:

Deeds executed as the law required, when executed, confirmed and declared valid.

Provided, That all deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this state, which have been acknowledged or proved in any other territory, state or country, according to and in compliance with the laws and usages of such territory or country, and which deeds or conveyances have been recorded within this state, be and the same is hereby confirmed and declared effectual and valid in law, to all intents and purposes, as though the said deeds or conveyances so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proven within this state.

How foreign deeds shall be executed and when to be recorded.

SEC. 4. That all deeds and conveyances of lands, tenements and hereditaments, situate, lying and being within this state, which shall hereafter be made and executed in any other territory, state or country, whereby such lands, tenements and hereditaments shall be conveyed in whole or in part, or otherwise affected and encumbered in law, shall be acknowledged or proved and certified as aforesaid, and recorded in the county in which such lands, tenements and hereditaments, so conveyed or affected, shall be situate, within one year after the day on which such deed or conveyance was executed. And all deeds and conveyances, which shall

Be made and executed within this state, for the conveyance of any lands, tenements and hereditaments, situate, lying and being within the same, whereby such lands, tenements and hereditaments shall be conveyed, affected or incumbered, shall be acknowledged or proven, and recorded within six months from the actual time of signing or executing such deeds or conveyances; and if any deed or conveyance of lands, tenements or hereditaments, made and executed, whereby the same shall be affected in law, or in any manner encumbered, shall not be acknowledged or proved, and recorded within the respective terms allowed by this act, the same shall be deemed fraudulent against any subsequent bona fide purchaser or purchasers, without knowledge of the existence of such former deed or conveyance.

Domestic
deeds to be re-
corded in six
months.

Sec. 5. That a law directing how husband and wife may convey their estates, adopted from the Pennsylvania code, and published at Cincinnati, the twenty-fifth day of June, one thousand seven hundred and ninety-five; also, an act, providing for the acknowledgment and recording of deeds in certain cases, passed the twentieth day of January, in the year of our Lord one thousand eight hundred and two, and all other laws heretofore passed on this subject, be, and the same are hereby, repealed.

All laws upon
this subject
repealed.

This act shall take effect, and be in force, from and after the first day of June next.

NOTE—Act of December 18, 1817, 16 v. p. 14. Part of the records, in Trumbull county, authorized to be transcribed and copies made evidence. January 30, 1818, 18 v. p. 152. This act regulates the proof and acknowledgment of deeds and powers, and repeals the act of February 14, 1805.

Act of January 25, 1819, 17 v. p. 52. Evidence of lands may be perpetuated, in Ohio Company's Purchase.

Act of February 8, 1819, 17 v. p. 130. Copies of Ohio Company's Purchase to be furnished for Hocking county, by W. R. Putnam and such copies made evidence.

Act of February 24, 1820, 18 v. p. 166, took effect June 1. This act repeals the one of January 30, 1818.

Act of January 4, 1820, L. L. 1819—20, p. 5. Deeds in Adams county, may be transcribed and copies made evidence.

Act of February 2, 1820, L. L. 1819—20, p. 81. Amendatory of the act of January 25, 1819.

Act of February 25, 1820, L. L. 1819—20, p. 108. Records of deeds in Ross county may be transcribed and copies made evidence.

Act of February 2, 1821, 19 v. p. 145. Further to perpetuate evidence of the original field notes of Symmes' Purchase, in Butler county.

Act of December 26, 1822, L. L. 1822—3, p. 13. Commissioners appointed to obtain evidence relative to titles in Symmes' Purchase.

Act of January 2, 1824, 22 v. p. 105. Directs the mode of perpetuating testimony relative to lands, and repeals the act of January 25, 1819.

Act of January 28, 1824, 22 v. p. 362. Mortgages may be sold of banks, trust estates, &c.

Descents.

[*Act of February 22, 1805, 3 v. L. O. p. 279.*]

An act regulating the course of descents and distribution of personal estates,

Real estate to
descend in
parcenary.

SEC. 1. That when any person having title to any real estate of inheritance, shall die intestate, as to such estate, it shall descend and pass in parcenary, to his kindred, male and female, in the following course:

Course of de-
scents.

SEC. 2. That if the estate came by descent, devise or deed of gift, from an ancestor, it shall descend to the children of the intestate and their legal representatives.

SEC. 3. That if there be no children or their legal representatives, the estate shall pass to the brothers and sisters of the intestate and their legal representatives: *Provided*, They are of the blood of the ancestor, from whom the estate came.

SEC. 4. That if there be no brothers or sisters, or their legal representatives, the estate shall pass to the next of kin to and of the blood of the intestate.

SEC. 5. That if the estate came not by descent, devise or deed of gift, but was acquired by purchase, by the intestate, it shall descend to the children of the intestate and their legal representatives.

SEC. 6. That if there be no children or their legal representatives, the estate shall pass to the brothers and sisters of the intestate of the whole blood, and their legal representatives.

SEC. 7. That if there be no brothers or sisters of the intestate of the whole blood, or their legal representatives, the estate shall pass to the brothers and sisters of the half blood, and their legal representatives.

Estate shall
ascend.

SEC. 8. That if there be no brothers or sisters of the intestate of the half blood, or their legal representatives, the estate shall ascend to the father, if the father be dead, then then to the mother.

SEC. 9. That if the father and mother be dead, the estate shall pass to the next of kin, to and of the blood of the intestate.

SEC. 10. That where any of the before mentioned children, brothers, sisters or their legal representatives, in the

same degree of consanguinity or kindred, come into the partition of any real estate, they shall take *per capita*, that is to say, by persons; but where one or more of them are dead and one or more living, the issue of those dead shall have a right to partition, and such issue, in such case, shall take *per stirpes*, that is to say, the share of their deceased parents.

When the estate shall be taken *per capita* and when *per stirpes*.

SEC. 11. That where any of the children of the intestate or their issue, shall have received from the intestate, in his life time, any real estate, by way of advancement, and shall choose to come into partition with the other parceners, such advancement shall be brought into *hotch pot*, with the estate descended.

Advancement may be brought into *hotch pot*.

SEC. 12. That in making title by descent, it shall be no bar to a party, that any ancestor, through whom he derives his descent from the intestate, is or hath been an alien; a bastard; also, shall be capable of inheriting or of transmitting inheritance on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

Alienage of ancestor no bar.

SEC. 13. That where a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, shall be thereby legitimated; the issue also in marriages deemed null in law, shall nevertheless be legitimate.

Intermarriage legitimates children.

SEC. 14. That one parcener may maintain an action of waste against another, but no parcener shall have or possess any privileges over another, in any election, division or matter, to be made or done, concerning lands which have descended.

Waste may be maintained by one against a coparcener.

SEC. 15. That if any person shall die intestate, leaving any goods, chattels or other personal estate, such goods, chattels or other personal estate, shall be distributed agreeable to the foregoing course of descents, saving however such rights which any widow may have to any portion of such personal estate.

Descent of personal estate.

Dower saved.

SEC. 16. That nothing in this act shall be construed, to affect the right any person may have as tenant by the courtesy in any estate of inheritance, nor shall the right of dower claimed by any widow in any estate of inheritance be impaired in any wise whatever.

Right of tenant by courtesy saved.

SEC. 17. That all laws and parts of laws, now in force in this state, on the subject of descents, are hereby repealed.

All laws repealed.

This act shall be in force from and after the passage thereof.

Effect.

[*Act of December 19, 1814, 13 v. L. O. p. 3.*]

An act to amend the act, entitled "An act regulating the course of descents and distribution of personal estates."

Estates to descend in parcenary.

Descents.

SEC. 1. That where any person shall die intestate, having title to any real estate of inheritance, lying and being in this state, which title shall have come to such intestate by descent, devise or deed of gift, from an ancestor, such estate shall descend and pass in parcenary, to his or her kindred in the following course: First, to the children of such intestate or their legal representatives: Second, if there be no children or their legal representatives, the estate shall pass to the brothers and sisters of the intestate, who may be of the blood of the ancestor from whom the estate came, or their legal representatives, whether such brothers and sisters be of the whole or of the half blood of the intestate: Third, if there be no brothers and sisters of the intestate of the blood of the ancestor from whom the estate came, or their legal representatives, and if the estate came by deed of gift from an ancestor who may be living, the estate shall descend to such ancestor: Fourth, if there be neither brother or sister of the intestate of the blood of the ancestor from whom the estate came, or their legal representatives; and if the ancestor from whom [the] estate came be deceased, the estate shall pass to the brothers and sisters of the ancestor from whom the estate came, or their legal representatives, and for want of such brothers or sisters, or their legal representatives, to the brothers and sisters of the intestate of the half blood, or their legal representatives, though such brothers and sisters be not of the blood of the ancestor from whom the estate came: Fifth, if there be no brothers or sisters of the intestate, or their legal representatives, the estate shall pass to the next of kin to the intestate of the blood of the ancestor from whom the estate came.

Part of act repealed.

SEC. 2. That the second, third and fourth sections of the act regulating the course of descents and distribution of personal estates, passed the 22d day of February, 1805, be, and the same are hereby, repealed.

This act shall take effect, and be in force, from and after the first day of June next.

NOTE.—Act of December 30, 1815—took effect May 1, 1816, 14 v. p. 36. By this act all laws and parts of laws, on the subject of descents, are repealed.

Act of February 6—took effect June 1, 1824, 22 v. p. 132. This act repeals all laws within its purview.

Dower.

[Adopted from Massachusetts—published July 14—took effect
June 26, 1796—Maxwell's ed. T. L. p. 164.]

A law for the speedy assignment of dower.

SEC. 1. When the heir, or other person having the next immediate estate of freehold or inheritance, shall not, within one month next after demand made, assign and set out to the widow of the deceased, her dower, or just third part of and in all lands, tenements and hereditaments, whereof by law, she is or may be dowable, to her satisfaction according to the true intendment of law, then such widow may sue for and recover the same, by writ of dower, to be brought against the tenant in possession, or such persons as have or claim right or inheritance in the same estate, in manner and form as the law prescribes.

SEC. 2. Upon rendering judgment for any woman to recover her dower in any lands, tenements or hereditaments, reasonable damages shall also be awarded to her, from the time of the demand and refusal. to assign to her reasonable dower. And a writ of seisin shall be directed to the sheriff of the county, or coroner; and the sheriff or coroner to whom such writ is directed, shall cause her dower in such estate to be set forth unto her, by three disinterested freeholders of the same county, under oath or affirmation, to be administered by any justice of the peace, to set forth the same equally and impartially, without favour or affection, as conveniently as may be.

SEC. 3. Where estates, of which a woman is dowable, are entire, and where no division can be made by metes or bounds, dower thereof shall be assigned in a special manner, as of a third part of the rents, issues, and profits, to be computed and ascertained in manner as aforesaid. And no woman that shall be endowed of any lands, tenements or hereditaments, as aforesaid, shall wantonly or disorderly, commit or suffer any waste thereon, on penalty of forfeiting that part of the estate upon which such waste shall be made, to him or them that have the immediate estate of freehold or inheritance in remainder or reversion, (and in case of negligent

Tenants in dower to repair premises. and inadvertent waste, by her done or suffered, the damages that may be assessed for such waste) to be recovered by an action of waste. And all tenants in dower shall maintain the houses and tenements, with the fences and appurtenances whereof they may be endowed, in as good repair as the same may have been delivered to them, during the term: and the same shall so leave at the expiration thereof.*

[Act of January 19, 1804, 2 v. L. O. p. 84.]

An act regulating the right of dower.

Widow's dower to be one-third of real estate. SEC. 1. That the widow shall be entitled during her life, to the use of one-third part of all the real property that her husband was seized of during coverture, unless she shall have joined with her husband in the conveyance; the widow shall tarry in the chief house of her husband, and have a reasonable support out of the estate of her husband, until her dower be assigned her, and shall be entitled to one-third part of the remainder of the personal property, after the debts are paid.

Jointure bars dower. SEC. 2. That if any estate shall be conveyed to a woman for a jointure instead of her dower, to take effect immediately after the death of her husband and to continue during her life, such conveyance shall bar her right of dower to the lands and tenements which were her husband's, but if the jointure or conveyance was made when the *feme* was in infancy, or if made after marriage, in either case the widow, at her election, may wave her jointure and demand her dower.

Dower, how assigned. SEC. 3. That the judges of the court of common pleas, on application of the widow, shall appoint three appraisers to appraise the property of the deceased, any two of whom shall assign to the widow her dower therein.

Widow may hold her dower, or under will. SEC. 4. That whenever any person shall leave any part of his property to his wife by will, she shall, within six months after the death of her husband, make her election, whether she will hold by the will or by her right of dower, unless the husband shall specially set forth in his will, that such provision was made and given in addition to the widow's right of dower; and in case all the heirs to the estate are of age, and the widow and the heirs can agree on a division and on settlement of the estate, they shall make return of such, their agreement, to the court of common pleas, which settlement and agreement shall be valid and binding on the widow and the heirs.

*The errata says, page 223, "in page 166, in the foot of the law, for the speedy assignment of dower for *sixth day of June*, read *first day of October*." I suppose it should have been 26th of June.

SEC. 5. That no contract of the husband or recovery ^{Contract of husband not to bar widow from recovering her lands.} against him of any lands, tenements or hereditaments, being the inheritance or freehold of his wife, during the coverture between them, shall in any wise deprive the wife, after the death of the husband, of any right which she had or might have to such lands, tenements or hereditaments, or her heirs or any person who shall have right, title or interest to the same, by the death of such wife or widow.

SEC. 6. That if a wife willingly leave her husband and ^{Adultery bars right of dower.} dwell with her adulterer, she shall loose and be barred of her right of dower, but if she shall return and her husband shall be reconciled to her and dwell with her, she shall be restored to her right of dower.

SEC. 7. That in case a person shall be impleaded for lands ^{Widow may be endowed of lands lost by fraud.} or tenements, and giveth up the same by covin or fraud, after the death of the husband the wife may recover her dower of the same; and in case the husband loseth the land in demand by default, and his wife, after his death, demand her dower therein, she shall be heard; and if the widow can establish the right of the husband to the lands or tenements, she shall be entitled to and recover her dower therein.

SEC. 8. That whenever a widow having no right to dower ^{Heir may demand seisin when dower has been fraudulently awarded.} and the heir being under age, if the widow bring her writ of dower against the guardian and she [he] shall make default, or by collusion defend the plea faintly, whereby the widow is awarded her dower, in prejudice to the heir or heirs, in all such cases, he, she or they, coming of age, shall have right to demand the seisin of his or her ancestor against such woman, in like manner as he, she or they, should have against any other person.

[Act of February 12, 1805, 3 v. L. O. p 112.]

An act relating to dower.

SEC. 1. That the widow of any person dying intestate or ^{Widow entitled to dower of real estate.} otherwise, shall be endowed of one full and equal third part of all the lands, tenements or other real estate of which her husband was seized as an estate of inheritance, at any time during the coverture, to which she shall not have relinquished her right of dower, by deed duly executed and acknowledged; and she shall in like manner, be endowed of one third part of all the right, title or interest, that her husband, at the time of his decease, had in any lands and tenements, ^{May possess the mansion house until dower is assigned.} held by bond, article, lease or other evidence of claim, and until such dower shall be assigned, it shall be lawful for her to remain and continue in the chief mansion-house and the

messuage or plantations thereto belonging, without being chargeable with rent for the same.

Jointure bars dower.

SEC. 2. That if any estate shall be conveyed to a woman as jointure in lieu of her dower, to take effect immediately after the death of her husband and to continue during her life, such conveyance shall bar her right of dower to the lands and tenements which were her husband's; but if the jointure or conveyance was made when the feme was in infancy, or if made after marriage, in either case the widow at her election, may wave her jointure and demand her dower.

May take dower or under will.

SEC. 3. That whenever any person shall leave any part of his lands, tenements or hereditaments to his wife by will, she shall, within six months after the death of her husband, make her election, whether she will take by the will or by her right of dower: *Provided*, That the court may, for good cause shewn, give a farther time to any widow to make her election, not exceeding eighteen months from the death of her husband, unless the husband shall specially set forth in his will, that such provision was made and given in addition to the widow's right of dower; and in case all the heirs to the estate are of age, and the widow and the heirs can agree on a division and on settlement of the estate, they shall make return of such their agreement to the court of common pleas, which settlement and agreement shall be valid and binding on the widow and the heirs.

Proviso.

Lands of wife not to be transferred by husband's contract.

SEC. 4. That no contract of the husband or recovery against him of any lands, tenements or hereditaments, being the inheritance or freehold of his wife during the coverture between them, shall in any wise deprive the wife, after the death of her husband, of any right which she had or might have, to such lands, tenements or hereditaments, or her heirs or any person who shall have right, title or interest to the same, by the death of such wife or widow.

Estates conveyed failing, widow shall be endowed.

SEC. 5. That when any conveyance intended to be in lieu of dower, shall through any defect, fail to be a legal bar thereto, and the widow availing herself of such defects, may demand her dower, and the estate and interest conveyed to such widow, with intention to bar her dower, shall thereupon cease and determine.

Jointress losing her lands to be endowed.

SEC. 6. That if any widow be lawfully evicted from her jointure, or any part thereof, without fraud in her, she shall be endowed of as much of the residue of her husband's lands, tenements or hereditaments, whereof she was before dowerable, as the same lands, tenements or hereditaments, from which she was evicted, shall amount to.

Adultery bars dower.

SEC. 7. That if a wife willingly leave her husband and dwell with her adulterer, she shall lose and be barred of her right of dower; but if she shall return and her husband shall

be reconciled to her and dwell with her, she shall be restored to her right of dower.

SEC. 6. That in case a person shall be impleaded for lands or tenements, and giveth up the same by covin or fraud, after the death of the husband, the wife may recover her dower of the same, and in case the husband loseth the land in demand by default, and his wife, after his death, demand her dower therein, she shall be heard; and if the widow can establish the right of the husband to the lands and tenements, she shall be entitled to and recover her dower therein. Lands lost by fraud, widow to be endowed.

SEC. 9. That whenever a widow, having no right to dower, and the heir being under age, shall bring her writ of dower against the guardian, and he shall make default, or by collusion defend the plea faintly, whereby the widow is awarded her dower in prejudice to the heir or heirs, in all such cases, he, she, or they, coming of age, shall have right to demand the same of his or her ancestor, against such woman, in like manner as he, she or they, should have against any other person. Heir may recover land of widow, if fraudulently endowed.

SEC. 10. That when the heir or other person, having the next immediate estate of inheritance, shall not, within three months after demand made, assign and set off to the widow of the deceased, her dower in all lands, tenements and hereditaments, of which by law, she is or may be dowable, to her satisfaction, according to the true intendment of law, then such widow may sue for and recover the same, by writ of dower, to be brought against the tenant in possession, or such person or persons as have claim, right or inheritance in the same estate, in manner and form as by law is or may be prescribed. Dower to be set off in three months or widow may sue.

SEC. 11. That upon rendering judgment for any woman to recover her dower, in any lands, tenements or hereditaments, reasonable damages shall also be awarded to her from the time of the demand and refusal to assign to her reasonable dower; and a writ of seisin shall be directed to the sheriff or coroner of the county, and the sheriff or coroner, to whom such writ is directed, shall cause her dower in such estate to be set forth unto her, by three disinterested freeholders of the same county, under oath or affirmation, to be administered by any justice of the peace, to set forth the same equally and impartially, without favor or affection. Writ of seisin to issue.

SEC. 12. That where estates of which a woman is dowable are entire, and where no division can be made by metes or bounds, dower thereof shall be assigned in a special manner, as of a third part of the rents, issues and profits, to be computed and ascertained in manner as aforesaid. Widow may be endowed of rents.

SEC. 13. That no woman who shall be endowed of any lands, tenements or hereditaments as aforesaid, shall wantonly commit or suffer any waste thereon, under the penalty of forfeiting that part of the estate in which such waste shall be Waste forfeits estate.

made to him or them, that have immediate estate of inheritance in remainder or reversion, to be recovered in [an] action of waste.

All laws on
subject of
dower repeal-
ed.

SEC. 14. That the act, entitled "An act regulating the right of dower;" also, "A law for the speedy assignment of dower," and all other laws on the subject of dower, be, and the same are hereby, repealed.

Effect.

This act shall take effect, and be in force, from and after the first day of June next.

NOTE—Act of January 29, 1818, 16 v. p. 121. The reversionary interest after tenancy in dower, may be sold, when estate is insolvent. This act is repealed June 1, 1824. See 22 v. p. 132, section 28.

Act of January 28—took effect June 1, 1823, [1824] 22 v. p. 135, repeals all laws and parts of laws before passed on the subject of dower.

Entailment.

[*Act of December 17, 1811, 10 v. L. O. p. 7.*]

An act to restrict the entailment of real estate.

SEC. 1. That from and after the taking effect of this act, Entailment. no estate in fee simple, fee tail, or any lesser estate in lands or tenements, lying within this state, shall be given or granted by deed or will to any person or persons, but such as are in being, or to the immediate issue or descendants of such as are in being at the time of making such deed or will, and that all estates given in tail shall be and remain an absolute estate in fee simple to the issue of the first donee in tail.

This act to take effect, and be in force, from and after the first day of June next.

Field Notes.

[*Act of January 1, 1811, 9 v. L. O. p. 6.*]

An act for the preservation of the original field notes of Symmes' Purchase.

SEC. 1. That John Cleves Symmes, esq. or his heirs, ex- A request to cutors, or administrators, be requested to deliver on oath all obtain and singular the original field notes and papers of the Miami Symmes' field Purchase, so called, now in his possession or within his con- notes. tract, to the persons herein after named.

SEC. 2. That the recorders of the counties of Hamilton, To be record- Butler and Warren, are hereby authorized and required, on ed—Copies condition that the said John Cleves Symmes, his heirs, ex- evidence. cutors or administrators, will consent to the same, to record the said field notes and papers in his possession, concerning the surveys of the purchase aforesaid, in each of the records of said county, which record or a duly certified copy thereof shall be admitted as evidence in any court in this

state, in all cases where the original field notes aforesaid would be legal evidence.

Commission-
ers to compare
record with
the original.

SEC. 3. That after the field notes aforesaid shall be recorded, the commissioners of each of the counties aforesaid are required to diligently compare said record with the original field notes and correct the same, if necessary; after which the originals shall be returned to the said John Cleves Symmes, his heirs, executors or administrators, and the recorders aforesaid for the service required of them by this act shall receive such compensation as the commissioners of the said counties shall think just and reasonable.

This act to take effect, and be in force, from and after the passage thereof.

[Act of January 5, 1814, 12 v. L. O. p. 31.]

An act to perpetuate evidence of the original field notes of the Miami Purchase.

Preamble,

WHEREAS it has been represented to this legislature that the original field notes of the survey of the tract of land, commonly called the Miami Purchase, situate between the two Miami rivers, have been accidentally destroyed by fire, and that great inconveniences have arisen and are likely to arise in consequence thereof; and also, that there are correct copies of the said field notes now in the possession of sundry persons residing on or near the said lands, which copies are in a perishable condition: Therefore, for the purpose of perpetuating the evidence of the said field notes, and for removing the inconveniences aforesaid,

Three com-
missioners ap-
pointed.

SEC. 1. That John R. Gaston, of the county of Hamilton; James Heaton, of the county of Butler, and William C. Schenck, of the county of Warren, be, and they are hereby appointed commissioners for the purpose of collecting and perpetuating evidence of the original survey made under the direction of John Cleves Symmes, by authority of the government of the United States, of the tract of land commonly called the Miami Purchase, being the same tract of land that was conveyed by the United States to John Cleves Symmes, and his associates, by letters patent, bearing date on or about the fourth day of September, in the year of our Lord one thousand seven hundred and ninety-four.

Their duty.

When to meet

SEC. 2. That the said commissioners, or any two of them, shall hold their first meeting at the town of Cincinnati, in the county of Hamilton, on the first Monday of March next, and to adjourn from time to time, and to such place or places as they may judge most convenient; public notice of which first meeting shall be given by said commissioners in at least

three newspapers printed in said purchase, at least twenty days previous to said meeting. And the said commissioners, when met, shall have power and authority to send for persons and papers, and to collect all the copies within their knowledge, of the field notes of the original survey of the Miami Purchase, made under the direction of John Cleves Symmes as aforesaid, and to examine witnesses on oath or affirmation, which they, or either of them are hereby authorized to administer, touching the validity and correctness of said copies; and so far as the said commissioners shall obtain satisfactory proof that the copies received by them are true and correct copies from the original field notes of the said original or first survey, they shall cause them to be entered in a book to be provided for that purpose, and shall annex thereto their certificate that they have been received and adjudged by them to be genuine copies of the original field notes of the said original or first survey; and it shall be the duty of the commissioners to cause the said copies to be recorded in the records of deeds of the county in which the lands to which the said copies relate may respectively lie; and it is hereby made the duty of the recorder to receive and record the same, and forthwith to return the said book to the commissioners, for which services they shall be allowed such fees as the said commissioners may deem just and reasonable, to be paid by the treasurer of their respective counties on the order of the said commissioners.

To make record in a book and certify same.

SEC. 3. That certified copies of the records, so made as aforesaid, shall be admitted as legal evidence in all courts of judicature in this state, in all cases where the original field notes aforesaid would be legal evidence.

Copies of such record to be good evidence

SEC. 4. That the said commissioners, before they enter on the duties of their office, shall take and subscribe an oath or affirmation, faithfully to discharge the duties by this act reposed in them, according to the best of their skill and judgment; a copy of which oath or affirmation shall be entered in the book herein before mentioned, by the person administering the same; and each of the said commissioners shall be allowed the sum of two dollars per day for each and every day he may be employed in discharging the duties imposed by this act, to be paid out of the treasuries of the counties of Hamilton, Butler and Warren, in proportion to the quantity of Symmes's Purchase contained in each of the three aforesaid counties respectively.

Commissioners to take an oath.

Fraudulent Conveyances, etc.

[Adopted from Virginia—published July 14, and took effect October 1, 1795—Maxwell's ed. T. L. p. 175.]

A law declaring what laws shall be in force.

The common law, &c. in force.

[SEC. 1.] The common law of England, all statutes or acts of the British parliament made in aid of the common law, prior to the fourth year of the reign of King James the first (and which are of a general nature, not local to that kingdom) and also the several laws in force in this territory, shall be the rule of decision, and shall be considered, as of full force, until repealed by legislative authority, or disapproved of by Congress.

[Act of February 14, 1805, 3 v. L. O. p. 248.]

An act declaring what laws shall be in force in this state.

Laws in force for rules of decision.

SEC. 1. That the common law of England, all statutes or acts of the British parliament, made in aid of the common law, prior to the fourth year of the reign of king James the first, and which are of a general nature not local to that kingdom, and also the several laws in force in this state, shall be the rule of decision, and shall be considered as of full force, until repealed by the General Assembly of this state.

Law repealed.

SEC. 2. That a law, entitled "A law declaring what laws shall be in force," adopted from the Virginia code, and published at Cincinnati, the fourteenth day of July, one thousand seven hundred and ninety-five, be, and the same is hereby, repealed.

Effect.

This act shall take effect, and be in force, from and after the first day of June next.

[Act of January 2, 1806, 4 v. L. O. p. 38.]

An act repealing a part of the act, entitled "An act declaring what laws shall be in force in this state."

SEC. 1. That so much of the act, entitled "An act declaring what laws shall be in force in this state," as declares the

common law of England and the statutes or acts of the British parliament made in aid of the common law, prior to the fourth year of the reign of King James the first, to be in force as the rule of decision in this state, be, and the same is hereby, repealed: *Provided nevertheless*, That all suits and prosecutions now pending in any court of record within this state, under the provisions embraced in the above recited act, shall be prosecuted to final judgment and execution in the same manner as though this act had never been in force.

Act making common law a rule of decision, &c. repealed.

Proviso,

This act to take effect, and be in force, from and after the passing thereof.

[Act of February 19, 1810—took effect June 1, 8 v. L. O. p. 216.]

An act for the prevention of frauds and perjuries.

SEC. 2. That every gift, grant or conveyance of lands, tenements, hereditaments, rents, goods or chattels, and every bond, judgment or execution, made or obtained with intent to defraud creditors of their just and lawful debts or damages, or to defraud or to deceive the person or persons who shall purchase such lands, tenements, hereditaments, rents, goods or chattels, shall be deemed utterly void and of no effect.

Grants, &c., given to defraud creditors, &c. void.

SEC. 4. That no leases, estates or interests, either of freehold, or terms for years, or any uncertain interests of, in or out of lands, tenements or hereditaments, shall, at any time hereafter, be assigned or granted, unless it be by deed or note, in writing, signed by the party so assigning or granting the same, or their agents thereunto lawfully authorized, by writing, or by act and operation of law.

Interest in land not to pass except by deed.

SEC. 5. That no action shall be brought, whereby to charge the defendant upon any special promise, to answer for the debt, default or miscarriage of another person, or to charge any executor or administrator, upon any special promise, to answer damages out of his own estate, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements or hereditaments, or any interest in, or concerning of them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him or her lawfully authorized.

Actions shall not be bro't on verbal agreements, &c. for lands, &c.

Gaming Consideration.

[Published August 4, 1790—took effect after January 1, 1791—
Childs & Swaine's ed. T. L. p. 40.]

An act for suppressing and prohibiting every species of gaming for money or other property, and for making void all contracts and payments made in consequence thereof, and also for restraining the disorderly practice of discharging fire arms at certain hours and places.

Bonds, conveyances, &c. given for money won at gaming void.

SEC. 3. That every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money, goods, or estate, won or obtained, either by playing at cards, dice tables, tennis bowls, or other games, chances, sports, or pastimes, or by laying or betting, on the hands, or sides of any person or party, who shall play at such or any other games, chances, sports, or pastimes, or which shall be won or obtained, by laying or betting on any horse race, cock fight, or other sport, pastime, game, or exercise of skill or chance, or which is intended to repay or secure money or other thing lent or advanced for any of the purposes aforesaid, or lent or advanced at the time of such gaming, sporting, or betting, to a person then actually betting, laying, or adventuring money or other thing, shall and the same is and are hereby declared to be null and void. And any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged, and any sale, mortgage or other transfer of personal estate, to any person for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to the seller, lessor, or mortgagor, or whereof money or other thing, so won or lent, or advanced, shall be part, or all of the consideration money, shall enure to the heir or heirs of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest in such person, in the lands, tenements or hereditaments so leased, mortgaged, bargained or sold, and in the personal estate so sold, mortgaged or otherwise transferred to all intents and purposes, in the heir or heirs of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor, mortgagor or vendor had died intestate.*

Estates conveyed to enure to benefit of heirs.

*Repealed August 14, 1795—post.

[*Made and published July 14, and took effect August 14, 1795—
Maxwell's ed. T. L. p. 178.*

An act repealing certain laws and acts, and part of laws and acts.

[Sec. 1.] That the laws and acts, and parts of laws and Law repealed, acts, herein after particularly enumerated and expressed, be, and the same are hereby, repealed; to wit:

So much of the law establishing a court of probate, as respects the appointments and duties of the clerk:

The "Act for suppressing and prohibiting every species of Part of one re- gaming for money, or other property; and also, for restrain- pealed. ing the disorderly practice of discharging fire arms, at certain hours and places."

[*Adopted from Virginia—published July 16, and took effect Oc-
tober 1, 1795.—Maxwell's ed. T. L. p. 206.*

A law to suppress gaming.

SEC. 1. Every promise, agreement, note, bill, bond, or Bonds, agree- other contract shall be void, if made to pay, deliver or se- ments, &c. cure money, or other thing, won or obtained by playing at void, if ob- cards, dice, tables, tennis bowls or other games; or by bet- tained at gam- ting or laying on the hands and sides of any person who shall ing. play at such games, or be won or obtained by betting or laying on any horse race or cock fighting, or at any other sport or pastime; or on any wager whatever, or to repay or secure money, or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, sporting or wager, to a person then actually playing, betting, laying or adventuring.

SEC. 2. Any conveyance or lease of lands, tenements, or Conveyances, hereditaments, sold, demised, or mortgaged; and any sale, &c. if won of mortgage or other transfer of personal estate, to any person, or lent to the or for his use, to satisfy or secure money, or other thing, by seller shall him won of, or lent or advanced to the seller, lessor, or mort- vest the estate in the heir of gator; or whereof money or other thing so won, lent, or ad- grantor. vanced be part or all of the consideration, shall enure to the use of the heir of such mortgagor, lessor, bargainor or vendor; and shall vest the whole estate and interest of such person in the lands, tenements or hereditaments so leased, mortgaged, bargained or sold, and in the personal estate so sold, mortgaged, or otherwise transferred, to all intents and purposes in the heir of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor, mortgagor or vendor had died intestate.

[Act of January 4, 1814, 12 v. L. O. p. 23.]

An act for the prevention of gaming.

Mortgages,
conveyances,
&c. when the
consideration
is a gaming
one, declared
void.

SEC. 1. That all promises, agreements, notes, bills, bonds or other contracts, mortgages or other securities whatsoever, after the taking effect of this act, when the whole or any part of the consideration of such promise, agreement, conveyance or security shall be for money or other valuable thing whatsoever, won, laid or betted, at cards, dice tables, tennis balls, or any other game or games whatsoever, or at any horse-race, cock fighting, or any other sport or pastime, or on any wager whatsoever, or for the reimbursing or repaying any money lent or advanced at the time of such play, bet or wager, so to be betted or wagered, shall be utterly void, frustrate, and of none effect to all intents and purposes whatsoever, any law, usage or custom to the contrary notwithstanding.

Acts repealed.

Proviso.

SEC. 16. That all acts and parts of acts coming within the purview of this act, shall be and the same are hereby repealed: *Provided*, That nothing in this act contained shall be so construed as to repeal any acts or parts of acts relating to offences committed or done before the commencement of this act.

Effect.

SEC. 17. That this act shall commence, and be in force, from and after the first day of June next.

Judgments and Executions.

[Adopted from Pennsylvania—published June 1, and took effect August 15, 1795—Maxwell's ed. T. L. p. 15.]

A law subjecting real estate to execution for debt.

SEC. 1. To the end, that no creditors may be defrauded of debts justly due to them, from persons who have sufficient real, if not personal, estates to satisfy the same; all lands, tenements and hereditaments whatsoever, where no sufficient personal estate can be found, shall be liable to be seized and sold, upon judgment and execution obtained: Lands, &c. may be sold on execution.

SEC. 2: *Provided always*, That when any debt is hereafter recovered, and damages awarded, or when any debt is acknowledged before such as have, or shall have, power to take cognizance thereof, and executions are awarded thereupon, to be levied upon the lands, tenements or hereditaments of any person or persons whatsoever; it shall not be lawful for any sheriff, or other officer, by virtue of such executions, or of any writ or writs thereupon, to sell, or expose to sale, any such lands, tenements or hereditaments, which shall or may yield yearly rents or profits, beyond all reprises, sufficient within the space of seven years, to pay or satisfy such debts or damages, with costs of suit: but all those lands, tenements and hereditaments, shall, by virtue of the writ or writs of execution, be delivered to the party obtaining the same, until the debt or damages be levied by a reasonable extent, in the same manner and method as lands are delivered upon writs of elegit in England. Proviso: lands &c. not to be sold, if rents and profits will pay the debt in seven years.

SEC. 3. *Provided nevertheless*, That if the clear profits of such lands or tenements shall not be found, by inquest of twelve men, to be sufficient, within seven years, to satisfy the debt or damages in such executions; or, if before the extent be out, any other debts or damages shall be recovered against the same debtor or defendant, his heirs, executors or administrators, which, with what remains due upon such extent, cannot all be satisfied out of the yearly profits of the lands or tenements, so extended within seven years; then, and in every such case, the sheriff or other officer shall, accordingly, certify the same upon the return of such executions; Proviso: if rents and profits will not pay lands, &c. to be sold.

whereupon a writ or writs of venditioni exponas shall issue forth, to sell such lands and tenements, for and towards satisfaction of what shall remain due upon such extent; as also, towards satisfaction of all the rest of the said debts or damages, in manner as is herein after directed, concerning the sale of other lands.

Levari facias
may issue to
seize other
lands.

Notice of sale
to be given.

Sheriff to en-
dorse writ and
give a deed.

Sheriff's re-
turn, when
lands will not
sell.

Levari facias
to issue.

Command of
the writ.

If lands fall
short other
executions
may issue.

SEC. 4. It shall and may be lawful for the sheriff or other officer, by a writ of *levari facias*, to seize and take all other lands, tenements, and hereditaments in execution; and thereupon, with all convenient speed, either with or without any writ of venditioni exponas, to make public sale thereof, for the most they will yield; and pay the price or value of the same to the party towards satisfaction of his debt, damages and costs. But before any such sale be made, the sheriff or other officer, shall cause so many writings to be made upon parchment, or good paper, as the debtor or defendant shall reasonably desire or request; or so many, without such request, as may be sufficient to signify and give notice of such sales or vendues, and of the day and hour when, and the place where the same will be, and what lands or tenements are to be so sold, and where they lie: which notice shall be given to the defendant, and the said parchments or papers fixed by the sheriff, or other officers, in the most public places of the county, at least ten days before sale. And upon such sale, the sheriff, or other officer, shall make return thereof, endorsed or annexed to the said *levari facias*; and give the buyer a deed, duly executed and acknowledged, in court, for what is sold. But in case the said lands and hereditaments, so to be exposed, cannot be sold; then the officer shall make return upon the writ, that he exposed such lands or tenements to sale, and the same remained in his hands unsold, for want of buyers: which return shall not make the officer liable to answer the debt or damages contained in such writ; but the writ of *levari facias* shall, forthwith be awarded and directed to the proper officer, commanding him to deliver to the party such part or parts of those lands, tenements and hereditaments, as shall satisfy his debt, damages and interest, from the time of the judgment given, with costs of suit, according to the valuation of twelve men; to hold to him as his free tenement in satisfaction of his debt, damages and costs, or so much thereof as those lands, by the valuation thereof as aforesaid, shall amount unto; and if it fall short, the party may afterwards have execution for the residue against the defendant's body, lands or goods, as the laws of this territory shall direct and appoint, from time to time, concerning other executions. All which said lands, tenements, hereditaments and premises, so as aforesaid to be sold or delivered by the sheriff or officer aforesaid, with all their appurtenances, shall or may be quietly and peaceably held and enjoyed by the person or persons, or bodies politic, to whom

the same shall be sold or delivered, and by his and their heirs, successors and assigns, as fully and amply, and for such estate and estates, and under such rents and services, as he or they, for whose debt or duty the same shall be sold or delivered, might, could or ought to do, at or before, the taking thereof in execution.

SEC. 5. *Provided always*, That the messuage, lands or tenements upon which the defendant is chiefly seated, shall not be exposed to sale, before the expiration of one whole year, after judgment is given; to the intent, that the defendant, or any other for him, may redeem the same. Proviso: defendants' chief seat not to be sold for a year

SEC. 6. Where default or defaults have been, or shall be, made or suffered by any mortgagor or mortgagors of lands, tenements, or other hereditaments within this territory; or by his, her or their heirs, executors, administrators and assigns, of or in payment of the mortgage money, or performance of the condition or conditions which they or any of them, should have paid or performed, or ought to pay or perform, in such manner and form, and according to the purport, tenor and effect of the respective provisos, conditions or covenants, comprised in their deeds of mortgage or defeasance, and at the days, times and places, in the same deeds, respectively, mentioned and contained; in every such case it shall and may be lawful to and for the mortgagee or mortgagees, and him, her or them that grant the said deeds of defeasance, and his or their heirs, executors, administrators or assigns, any time after the expiration of twelve months, next ensuing the last day whereon the said mortgage money ought to be paid, or other conditions performed, as aforesaid; to sue forth a writ or writs of scire facias; which the clerk of the court of common pleas, for the county where the said mortgaged lands or hereditaments lie, is hereby empowered and required to make out and despatch, directed to the proper officer; requiring him, by honest and lawful men of the neighborhood, to make known to the mortgagor or mortgagors, his, her or their heirs, executors or administrators, that he or they be and appear before the magistrates, judges or justices of the said court or courts, to shew, if any thing he or they have to say, wherefore the said mortgaged premises ought not to be seized and taken in execution, for payment of the said mortgage money, with interest; or to satisfy the damages which the plaintiff in such scire facias, shall, upon the record, suggest for the breach or non-performance of the said conditions. And if the defendant in such scire facias appear, he or she may plead satisfaction or payment of part, or all, the mortgage money, or any other lawful plea, in avoidance of the deed or debt, as the case may require: but if the defendants in such scire facias will not appear on the day whereon the same writ shall be made returnable, then, if the case be such as damages, only, are Remedy, for default, on mortgages.

Defendant may plead payment.

If defendant do not appear an inquest

shall enquire,
and judgment
be pronounc-
ed.

Levari facias
may issue.

Command of
the writ.

Overplus, if
any, to be
rendered to
mortgagor.

No new estate
created by the
sale.

Proviso: re-
versal of judg-
ment not to
avoid the sale
of lands.

to be recovered, an inquest shall be forthwith charged to enquire thereof; and the definitive judgment therein, as well as all other judgments to be given upon such scire facias, shall be entered, that the plaintiff in the scire facias shall have execution, by *levari facias*, directed to the proper officer: by virtue whereof, the said mortgaged premises shall be taken in execution, and exposed to sale, in manner aforesaid; and, upon sale, conveyed to the buyer or buyers thereof, and the money, or price of the same, rendered to the mortgagee or creditor; but, for want of buyers, to be delivered to the mortgagee, or creditor, in manner and form as is herein above directed, concerning other lands and hereditaments to be sold or delivered upon executions, for other debts or damages. And when the said lands and hereditaments shall be sold, or delivered, as aforesaid, the person or persons to whom they shall be sold or delivered, shall and may hold and enjoy the same, with their appurtenances, for such estate or estates as they were sold or delivered, clearly discharged and freed from all equity and benefit of redemption, and all other incumbrances made or suffered by the mortgagors, their heirs or assigns: and such sales shall be available in law: and the respective vendees, mortgagees, or creditors, their heirs and assigns, shall hold and enjoy the same freed and discharged, as aforesaid. But before such sales be made, notice shall be given, in writing, in manner and form as is herein above directed, concerning the sales of lands upon executions; any law or usage, to the contrary notwithstanding.

SEC. 7. *Provided also,* That when any of the said lands, tenements or hereditaments, which, by the direction and authority of this law, are to be sold for the payment of debts and damages, in manner aforesaid, shall be sold for more than will satisfy the same debts, or damages, and reasonable costs; then the sheriff, or other officer who shall make the sale, must render the overplus to the debtor or defendant; and then and not before, the said officer shall be discharged thereof, upon record, in the same court where he shall make return of his proceedings concerning the said sales.

SEC. 8. *Provided also,* That no sale or delivery which shall be made, by virtue of this law, shall be extended to create any further term or estate to the vendees, mortgagees or creditors; than the lands or hereditaments, so sold or delivered, shall appear to be mortgaged for, by the said respective mortgages or defeasible deeds.

SEC. 9. *Provided also,* That if any of the said judgments, which do or shall warrant the awarding of the said writ of execution whereupon any lands, tenements or hereditaments, have been or shall be sold, shall, at any time hereafter, be reversed for any error or errors; then, and in every such case, none of the said lands, tenements or hereditaments, so,

as aforesaid taken or sold, or to be taken or sold upon executions, nor any part thereof, shall be restored, nor the sheriff's sale or delivery thereof avoided; but restitution, in such cases, shall be made only of the money or price for which such lands were or shall be sold.



[Adopted from Pennsylvania—published June 6, and took effect August 15, 1795—Maxwell's ed. T. L. p. 52.]

A law establishing courts of judicature.

SEC. 18. Upon any judgment obtained in any of the said courts of common pleas, and execution returned by the sheriff, or coroner, of the proper county, where such judgment was obtained, that the party is not to be found, or hath no lands or tenements, goods or chattels, in that county; and thereupon it is testified, that the party skulks, or lies hid, or hath lands, tenements, goods or chattels in another county, in this territory; it shall and may be lawful to and for the court that issued out such execution, to grant, and they are hereby required to grant an *alias* execution, with a testatum, directed to the sheriff, or coroner, of the county or place where such person lies hid, or where his lands or effects are; commanding him to execute the same, according to the tenor of such writ or writs, and make return thereof to the court of common pleas where such recovery is had or judgment given.

Executions
may issue to
other counties



[Act of January 19, 1802, 1 sess. 2 G. A. T. p. 23.]

An act regulating executions.

SEC. 1. That the better to enable creditors to recover their just debts, all lands, tenements and real estate, shall be liable to be levied upon and sold by execution, to be issued on judgments which hereafter may be recovered in any court of record within this territory, for the debt, damages and costs, due and owing on such judgments.

SEC. 2. That the lands, tenements and real estate of the defendant, shall be bound and liable to the satisfaction of the judgment from the first day of the term in which such judgment is obtained, and the goods, chattels and personal estate of the defendant shall be bound by, and be liable to, the satisfaction of the judgment, from the time of their being taken in execution, by the sheriff or other officer, and not before.

Lands when
bound by
judgment.

Execution first delivered to officer shall be first satisfied.

SEC. 3. That when two or more executions on judgments recovered, shall be issued against the goods, chattels, lands, tenements and real estate, or against the goods and chattels only of the same person, except in the cases herein after excepted, the writ of execution that is first delivered to the sheriff shall be first satisfied, and it shall be the duty of the sheriff to endorse on every execution by him received, the day of the month, the month and the year that he received the same.

When no preference shall be given.

SEC. 4. That if two or more executions be delivered to the sheriff on the same day, against the same property of the same defendant, no preference shall be given to either writ, but if in such case there be not property found sufficient to satisfy all the executions, the sum of money made shall be divided between the plaintiffs issuing such executions, in proportion to the amount of their several demands.

No preference to be given to executions issued within ten days after term.

SEC. 5. That if two or more writs of execution be taken out against the lands, tenements and real estate of the same defendant, and delivered to the proper officer within the term, or within ten days next after the close of the term in which the judgments are entered, on which such writs are issued, then no preference shall be given to either writ, but the money made, if not sufficient to satisfy all the said writs, shall be divided among the said plaintiffs in proportion to their several demands.

Command of execution against lands.

SEC. 6. That any execution to be levied on lands, tenements or real estate, shall command the officer to whom it is directed, that of the goods and chattels of the party against whom it is issued, he cause to be made the monies contained in the said writ, and that for want of goods and chattels he cause the same to be made of the lands, tenements and real estate of the defendant, and the exact amount of the debt, damage and costs, shall be severally endorsed on the back of the execution.

If no goods, *nulla bona* to be endorsed, and writ levied upon land.

SEC. 7. That it shall be the duty of the sheriff, immediately after receiving such writ, to levy on the goods and chattels of the defendant, to satisfy the monies contained in the said writ, but if goods and chattels be not found, it shall be the duty of the sheriff to endorse on the said writ, the words, *nulla bona*, and forthwith to levy the said execution on the lands, tenements and real estate of the defendant, of which the said defendant was seized, at or after the first day of the term in which such judgment was obtained: *Provided*, That judgments voluntarily confessed, in open court, shall not have a lien on lands, tenements or real estate, except from the day on which they are actually signed or entered.

Proviso.

Levy for residue on lands, if goods not sufficient.

SEC. 8. That if the goods and chattels levied upon as aforesaid, be not sufficient to satisfy the whole of the monies contained in the said writ or writs, it shall be the duty of the

said officer to endorse on the said writ or writs the amount made of such goods and chattels, and *nulla bona* as to the residue, and forthwith to levy for the residue on the lands, tenements and real estate of the said defendant, according to the command of the said writ or writs, and in case goods and chattels be levied upon and returned as remaining in the officer's hands, unsold for want of buyers, it shall be the duty of such officer to return, with the writs, a true and perfect inventory of the goods and chattels so taken.

SEC. 9. That the sheriff or other officer, who levies upon any goods and chattels, shall, before he proceeds to sell the same, cause public notice to be given of the time and place of sale, either by publishing the same in a gazette, printed within his county, or by advertising the same in three of the public places within his county, at least ten days before such sale, one of which advertisements shall be in the township in which such sale is to be made; and no lands, tenements or real estate shall be exposed to sale on any writ of execution, until public notice, by advertisement, shall have been given of the time and place of such sale, in some newspaper printed within the county, or in five public places within the county, two of which shall be in the township in which the said lands, tenements and real estate may lie, at least thirty days before such sale, and if any sale shall be made by the sheriff or other officer, in either case, without notice having been given as aforesaid, the officer making such sale, shall be liable to the action of the defendant and of every other person injured thereby.

SEC. 10. That if execution be levied upon real estate that is improved and of a productive nature, and that will probably yield clear annual profits and rents beyond all reprises, sufficient to satisfy the judgment or judgments, with lawful interest, within five years, it shall be the duty of the officer levying such execution, if required by the defendant, his agent or attorney, to call an inquest of twelve men, and it shall be the duty of the said inquest, on oath, to return to the said officer, under their hands and seals, the clear annual profits of the said lands, tenements and real estate, for five years then next to ensue, according to the best of their skill and judgment, upon view of the premises or other legal evidence, and if it shall appear by the said return, that the clear profits of such lands, tenements and real estate, will, within five years, satisfy and pay the judgment or judgments, with all legal costs and interest, it shall be the duty of the said officer forthwith to assign and deliver possession of the said lands, tenements and real estate to the plaintiff, for such a period of time as will fully discharge the said judgment or judgments, with interests and costs, at the rate specified in the said return; but if it shall appear by the return of the said inquest, that the said lands, tenements and real estate, will

Notice to be given before sale.

If real estate is levied upon, producing sufficient to pay debt in five years, inquest shall be called.

Duty of inquest.

Officer may deliver possession of lands if sufficient.

If not sufficient, officer's duty. not be sufficient, in the possession of the plaintiff, to satisfy the judgment or judgments, with interests and costs, within the space of five years, or if before the said extent be out, any other execution be levied on the same lands, tenements and real estate which together with what may remain due upon such extent, cannot be satisfied out of the yearly profits of such lands, tenements and real estate, so extended, within five years from the time of such levy, then it shall be the duty of the said officer, forthwith to advertise and sell the said lands, tenements and real estate in the same manner as if no such inquest had been required, and at the next term to make a true return of all his said proceedings.

Sheriff's deed as valid as judgment debtor's.

SEC. 11. That the sheriff or other officer, who by such writ or writs of execution, shall sell the said lands, tenements or real estate, so levied upon, or any part thereof, shall make to the purchaser as good and sufficient a deed of conveyance for the lands, tenements or real estate, so sold, as the person or persons against whom such writ or writs of execution were issued, might or could have made for the same at or any time after the said lands, tenements and real estate became liable to the said judgment, which said deed shall vest in the said purchaser, as good and as perfect an estate in the premises therein mentioned, as was vested in the said defendant, at or after the time when the said lands became liable to the satisfaction of the said judgment; and the said deed or conveyance, so to be made by the sheriff or other officer, shall recite the writ or writs, and the judgment or judgments, or the substance thereof, by virtue whereof the said lands, tenements and real estate were sold as aforesaid, and shall be acknowledged or proved and recorded as is or may be required by law to perfect the conveyance of real estate in other cases.

What officer's deed shall recite.

Deed may be executed by officer's successor.

SEC. 12. That if the sheriff or other officer, who hath made or shall make sale of any lands, tenements or real estate, by virtue of an execution against the same, shall abscond or be rendered unable by death or otherwise, to make a deed of conveyance for the same, it shall be lawful for any succeeding sheriff, or other officer of the county, on receiving a certificate from the court from which the execution issued, for the sale of the said lands, tenements or real estate, signed by the clerk or prothonotary, by order of the said court, setting forth, that sufficient proof hath been made to the said court, that such sale was fairly and legally made, and on tender of the purchase money, or if the purchase money, or any part thereof, be paid, then on proof of such payment and tender of the balance, if any be, to seal and deliver to the said purchaser or his legal representative, a deed or conveyance of the said lands, tenements or real estate, so sold, which deed shall be as good and as valid, and have

the same effect as if the sheriff or other officer who made the sale, had executed the same in due form of law.

SEC. 13. That if on any sale, to be made as aforesaid, ^{Surplus to be} there shall remain an overplus of money, in the hands of the ^{paid to judg-} sheriff or other officer, after satisfying the writ or writs of ^{ment debtor.} execution, with interest and legal costs, then the said sheriff or other officer, shall pay over to the defendant, or his legal representative, such overplus, on demand.

SEC. 14. That the purchaser, his heirs and assigns, shall ^{Purchaser to} hold the lands, tenements or real estate, by him or her pur- ^{hold lands} chased, as aforesaid, free and clear of all other judgments ^{against other} and recognizances whatsoever, on, or by virtue of which, ex- ^{judgments,} ecution shall not have been taken out and levied on the lands, ^{&c.} tenements and real estate so purchased.

SEC. 15. That if any judgment, in satisfaction of which, ^{Title of pur-} any lands, tenements or real estate, belonging to the defend- ^{chaser not af-} ant, hath or shall be sold, shall, at any time thereafter, be ^{ected by re-} reversed, such reversal shall not affect or defeat the title of ^{versal of judg-} the said purchaser, but in such case restitution shall be made ^{ment.} only of the money for which such lands, tenements or real estate were sold, with lawful interest from the day of sale.

SEC. 16. That if any sheriff or coroner, shall refuse or ^{Officers liable} neglect to execute any writ of execution, to him directed, ^{for neglect.} and which hath or shall come to his hands, or shall neglect or refuse to sell any goods, chattels, lands, tenements or real estate, according to the writs to him directed, and delivered for that purpose, or shall neglect to return a just and perfect inventory of all and singular the goods and chattels by him taken in execution, unless the said sheriff or coroner shall return that he hath levied the value of the debt, damages and costs, or shall neglect or refuse, on demand made for that purpose, to pay over to the plaintiff or his lawful agent or attorney, all monies by him received, for the use of the said plaintiff, at any time after receiving the same, he shall, on motion, in open court, be amerced in the amount of the said debt, damages and costs, to and for the use of the said plaintiff: *Provided*, That three days notice shall be given ^{Proviso.} the said sheriff or coroner by the plaintiff or his attorney, before any motion shall be made for such amercement, which amercement shall be entered on the records of the court, and shall have the same force and effect as a judgment, whereupon execution in the name and for the use of the plaintiff or his legal representative, may, on motion, be awarded against the goods, chattels, lands, tenements and real estate of the said sheriff or coroner: *Provided also*, That nothing herein con- ^{Proviso.} tained shall prevent such plaintiff from proceeding against such sheriff or coroner, by attachment, according to law, at his election.

SEC. 17. That if goods, chattels, lands, tenements and real estate cannot be found, whereon to levy sufficient to satisfy the

Goods, lands, &c. not found
officer may
levy upon
mortgages.

Recorder's
duty.

Officer to as-
sign and trans-
fer mortgage.

Effect of offi-
cer's assign-
ment or en-
dorsement.

Proviso.

Proviso.

Mortgager to
give notice to
officer of any
payment.

Notice not
given no set-
off.

Mortgager
claiming cred-
it, mortgage
sold subject to
such claim.

sum or sums of money contained in any writ or writs of execution, it shall be lawful for the sheriff or other officer, and he is hereby authorized and directed, to levy on any mortgage, made or assigned to the defendant, and the same to inventory and sell, in like manner as goods and chattels; and if any mortgage so levied upon, cannot be found, it shall be the duty of the sheriff or other officer, to take a certified copy thereof from the records, which shall have the same force and effect as the original mortgage, and which the recorder is hereby directed, on application, to furnish; and the said recorder shall note on the margin of the record, the day, month and year when such levy was made, and the right and property of the defendant in such mortgage shall cease from the time of such levy; and it shall be the duty of the officer selling such mortgage, to assign and transfer the same, and all the benefits and advantages thereof to the purchaser, and such endorsement shall have the same force and effect as if the same had been made by the defendant prior to the levy, and the endorsee or assignee shall have the same right of demanding, prosecuting for, and receiving in his own name and for his own use, all monies due and demandable on such mortgage, as the original mortgagee might or could have had; and the sale and transfer of such mortgage, made as aforesaid, shall bar the defendant from a recovery on any bond or other obligation for which the said mortgage was executed as a security, and such transfer may be pleaded in bar to any action or suit instituted by the defendant or his assignee on such bond or obligation: *Provided*, That no sale shall be made of any mortgage whatever, until public notice, by advertisement, shall be given of the time and place of such sale, in some newspaper published in the county, or in five public places within the county where such mortgaged land is situated, for at least thirty days: *And provided*, That the purchaser shall not have recourse on the officer on account of such sale and transfer.

SEC. 18. That it shall be the duty of the mortgager, on receiving actual notice of such levy, to give notice without delay to the officer, of any payment or payments by him made on such mortgage; and on neglect or refusal so to do, such payment or payments shall not be an offset against such mortgage in the hands of the purchaser, but the money so paid may be recovered back from the defendant in an action for money had and received.

SEC. 19. That if the mortgager shall set up or claim credit for any payment of which he shall fail in making clear and satisfactory proof, or which shall be denied by the defendant, the mortgage shall be sold, subject to the claim of such credit or payment; and the purchaser of any mortgage, sold as aforesaid, shall hold the same, subject to every offset to which it was subject in the hands of the mortgagee, except-

ing only, such as may be barred by the eighteenth section of this act.

SEC. 20. That no assignment or transfer of any mortgage, made after the passing of this act, shall have any force or effect, unless such assignment be recorded within ninety days after the same shall be made, and a memorandum thereof be entered on the margin of the record of such mortgage. No assignment to have effect unless recorded.

SEC. 21. That it shall be the duty of a person holding an assignment of any mortgage, levied on as aforesaid, so soon as such levy shall come to his knowledge, to give notice of the said assignment to the officer making such levy; and if any person holding such assignment, shall neglect or refuse to give the notice as herein required, such assignee shall forfeit all the right and benefit intended by such assignment. Assignee to give notice to officer.

SEC. 22. That the party at whose suit any person shall stand charged in execution for any debt or damages recovered; his, her or their executors or administrators, may, after the death of the person charged and dying in execution, lawfully sue forth and have new execution against the lands and tenements, goods and chattels, or any of them, of the person so deceased, in such manner and form, to all intents and purposes, as he, she or they might have had, by the laws of the territory, had the person never been taken and charged in execution: *Provided always*, That nothing in this section shall be construed so as to authorize the party, his, her or their executors or administrators, at whose suit any person shall be in execution and die, to have execution against the lands or tenements of the person so dying, which shall at any time after his or her being taken or charged in execution, be by him or her sold *bona fide* for the payment of just debts; and the money which shall be paid for the land so sold, either paid, or secured to be paid, to his or her creditors. Party dying in execution new one may issue. *Provided.*

SEC. 23. That the law subjecting real estate to execution for debt, adopted from the Pennsylvania code, and published at Cincinnati, the first day of June, one thousand seven hundred and ninety-five, so far as the same may relate to judgments to be entered after the passage hereof, be, and the same is hereby repealed: but for the purpose of satisfying all judgments which have heretofore been entered, the same shall be, and remain, in force, and for no other purpose whatsoever, any thing in this act to the contrary notwithstanding. Laws repealed.

[Act of February 16, 1805, 3 v. L. O. p. 69.]

An act regulating judgments and executions.

Lands, &c. liable to execution.

SEC. 1. That all lands, tenements and real estate, shall be liable to be levied upon and sold by execution, to be issued on judgments which may hereafter be recovered in any court of record within this state, for the debt, damages and costs, due and owing on such judgments.

Real estate when bound by judgment.

SEC. 2. That the lands, tenements and real estate of the defendant, shall be bound and liable to the satisfaction of the judgment, from the first day of the term in which said judgment is obtained, and the goods, chattels and personal estate of the defendant, shall be bound by, and liable to, the satisfaction of the judgment, from the time of their being taken in execution by the sheriff or other officer, and not before.

Execution first levied to be first satisfied.

SEC. 3. That when two or more executions on judgments shall be issued against the goods, chattels, lands, tenements and real estate, or against the goods and chattels only of the same person, except in the cases hereinafter excepted, the writ of execution that is first delivered to the sheriff shall be first satisfied, and the sheriff shall endorse on every execution by him received, the day of the month, the month and the year, that he received the same.

Two executions issued same day to have no preference.

SEC. 4. That if two or more executions be delivered to the sheriff on the same day, against the same property of the same defendant, no preference shall be given to either writ, but if there be not property found sufficient to satisfy all the executions, the sum of money made shall be divided between the plaintiffs issuing such executions, in proportion to the amount of their several demands.

No preference to be given when executions issue within ten days of term.

SEC. 5. That if two or more writs of execution be taken out against the lands, tenements and real estate of the same defendant and delivered to the proper officer within the term, or within ten days next after the close of the term in which the judgment is entered, on which such writs are issued, then no preference shall be given to either writ, but the money made, if not sufficient to satisfy all the said writs, shall be divided amongst the said plaintiffs in proportion to their several demands.

Command of an execution against lands.

SEC. 6. That any execution to be levied on lands, tenements or real estates, shall command the officer to whom it is directed, that of the goods and chattels of the party against whom it is issued, he cause to be made the monies contained in the said writ, and that for want of goods and chattels, he cause the same to be made of the lands, tenements and real estate of the defendant, and the exact amount of the debt, damages and costs, shall be severally endorsed on the back of the execution.

SEC. 7. That the sheriff shall immediately after receiving Sheriff's duty. such writ, levy on the goods and chattels of the defendant, to satisfy the monies contained in the said writ, but if goods and chattels be not found, the sheriff shall endorse on the said writ the words *nulla bona*, and forthwith levy the said execution on the lands, tenements and real estate of the defendant, of which the said defendant was seized, at or after the first day of the term in which said judgment was obtained: *Provisio.* *Provided*, That judgments voluntarily confessed in open court, shall only have a lien on lands, tenements or real estate, from the day on which they are actually signed or entered.

SEC. 8. That if [the] goods and chattels levied upon as afore- *Nulla bona to* said, be not sufficient to satisfy the whole of the monies con- *be endorsed* tained in the said writ or writs, the said officer shall en- *before levy* dorse on the said writ or writs the amount made of such goods *upon lands.* and chattels, and *nulla bona* as to the residue, and forthwith levy for the residue on the lands, tenements and real estate of the said defendant, according to the command of the said writ or writs; and in case goods and chattels be levied upon and returned as remaining in the officer's hands, unsold for want of buyers, such officer shall return with the writs a true and perfect inventory of the goods and chattels so taken. *Notice of sale*

SEC. 9. That the sheriff or other officer who levies upon *of lands to be* any goods or chattels, shall, before he proceeds to sell the *given.* same, cause public notice to be given of the time and place of sale, either by publishing the same in a gazette, printed within his county, or by advertising the same in four of the most public places within his county, at least twenty days before such sale, two of which advertisements shall be in the township in which such sale is to be made, and no lands, tenements or real estate, shall be exposed to sale on any writ of execution, until public notice by advertisement shall have been given of the time and place of such sale, in some newspaper printed in the county, or in five public places within the county, two of which shall be in the township in which the said lands, tenements and real estate may lie, at least thirty days before such sale, and if any sale shall be made by the sheriff or other officer in either case, without notice having been given as aforesaid, the officer making such sale, shall be liable to the action of the defendant, and of every other person injured thereby.

SEC. 10. That if execution be levied upon real estate that *When estate* is improved and of a productive nature, and that will proba- *will yield* bly yield clear annual profits and rents, beyond all reprises, *rents sufficient* sufficient to satisfy the judgment or judgments, with lawful *to pay debt,* interest, within seven years; the officer levying such execu- *an inquest* tion, if required by the defendant, his agent or attorney, shall *shall be call-* call an inquest of twelve good and lawful men, and the said *ed.* inquest, on oath, shall return to the said officer, under their *Inquest to re-* hands and seals, the clear annual profits of the said lands, *turn, on oath,* the annual *profits.*

- tenements and real estate, for seven years then next to ensue, according to the best of their skill and judgment, upon view of the premises and other legal evidence, and if it shall appear by the said return, that the clear profits of such lands, tenements and real estate will, within seven years, satisfy and pay the judgment or judgments, with all legal costs and interest, the said officer forthwith shall assign and deliver possession of the said lands, tenements and real estate, to the plaintiff, for such time as will fully discharge the said judgment or judgments, with interest and costs, at the rate specified in the said return, but if the plaintiff refuse to receive or accept the possession aforesaid, then it shall be delivered to any other person, who will secure the sum or sums aforesaid, to be paid in yearly instalments to the plaintiff, within the time limited; or if it shall appear, by the return of the said inquest, that the said lands, tenements and real estate, will not be sufficient to satisfy the judgment or judgments, with interests and costs, within the space of seven years; or if before the said extent be out, any other execution be levied on the same lands, tenements and real estate, which, together with what may remain due upon such extent, cannot be satisfied out of the yearly profits of such lands, tenements and real estate so extended, within seven years from the time of such levy, then the said officer, forthwith shall advertise and sell the said lands, tenements and real estate, in the same manner as if no such inquest had been required, and at the next term, to make a true return of all his said proceedings: *Provided*, That the aforesaid jury of inquest shall (if the premises are found insufficient to extend, in manner aforesaid, to satisfy the execution or executions that may have been levied on the same) value the same and make return thereof: *And provided, also*, That no lands, tenements or real estate, shall be sold by virtue of any execution, unless such lands, tenements and real estate shall, at public auction, sell for not less than two-thirds of the valuation set on the same, by such inquest.
- Sheriff's duty.** **Sec. 11.** That if execution be levied on lands or real estate, that is not of a productive nature, it shall be the duty of the officer levying such execution if required by the defendant, his agent or attorney, to call an inquest of five good and lawful men, as is herein before directed, who shall return, on oath, to the said officer, under their hands and seals, an estimate of the real value of said estate, according to the best of their skill and judgment, upon actual view of the premises, and the officer, on receiving such return of the inquest, forthwith shall advertise and sell such real estate: *Provided*, It shall sell for not less than one half of the returned value by the inquest.
- If profits insufficient, officer shall sell.** **Sec. 12.** That the sheriff or other officer, who, by such writ or writs of executions, shall sell the said lands, tenements or real estate so levied upon, or any part thereof, shall make to
- Proviso: lands to be appraised.**
- Proviso: lands must sell for two-thirds valuation.**
- Unproductive lands to be appraised if defendant require it.**
- To be advertised and sold.**
- Effect of sheriff's deed.**

the purchaser as good and sufficient a deed of conveyance, for the lands, tenements or real estate so sold, as the person or persons against whom such writ or writs of execution were issued, might or could have made for the same, at or any time after the said lands, tenements or real estate, became liable to the said judgment, which said deed shall vest in the said purchaser, as good and as perfect an estate in the premises therein mentioned, as was vested in the said defendant, at or after the time when the said lands became liable to the satisfaction of the said judgment; and the said deed or conveyance so to be made by the sheriff or other officer, shall recite the writ or writs, and the judgment or judgments, or the substance thereof, by virtue whereof the said lands, tenements and real estate were sold as aforesaid, and shall be acknowledged, proved and recorded as is or may be required by law, to perfect the conveyance of real estates in other cases.

Deed may be made by sheriff's successor.

SEC. 13. That if the sheriff or other proper officer, who hath made or shall make sale of any lands, tenements or real estate, by virtue of an execution against the same, shall abscond or be rendered unable, by death or otherwise, to make a deed of conveyance for the same, it shall be lawful for any succeeding sheriff or other proper officer, on receiving a certificate from the court from which the execution issued, for the sale of the said lands, tenements or real estate, signed by the clerk or prothonotary, by order of the said court, setting forth, that sufficient proof hath been made to the said court, that such sale was fairly and legally made, and on tender of the purchase money, or if the purchase money or any part thereof be paid, then, on proof of such payment and tender of the balance, if any be, to seal and deliver to the said purchaser or his legal representative, a deed or conveyance of the said lands, tenements or real estate, so sold, which deed shall be as good and as valid and have the same effect, as if the sheriff or other officer, who made the sale, had executed the same in due form of law.

Overplus of money to be paid to defendant.

SEC. 14. That if, on any sale to be made as aforesaid, there shall remain an overplus of money, in the hands of the sheriff or other officer, after satisfying the writ or writs of execution, with interest and legal costs, then the said sheriff or other officer, shall pay over to the defendant or his legal representative, such overplus on demand.

SEC. 15. That the purchaser, his heirs or assigns, shall hold the lands, tenements or real estate, by him or her purchased as aforesaid, free and clear of all other judgments and recognizances whatsoever, on or by virtue of which, execution shall not have been taken out and levied on the lands, tenements and real estates so purchased.

Purchaser to hold against other judgments.

SEC. 16. That if any judgments, in satisfaction of which any lands, tenements or real estate, belonging to the defend-

Reversal of judgment not to defeat purchaser's title.

ant, hath or shall be sold, shall, at any time thereafter be reversed, such reversal shall not affect or defeat the title of the said purchaser; but in such case, restitution shall be made only of the money for which such lands, tenements or real estate were sold, with lawful interest from the day of sale.

Sheriff may be
amerced for
neglect.

SEC. 17. That if any sheriff or coroner, shall refuse or neglect to execute any writ of execution to him directed and which hath or shall have come to his hands, or shall neglect or refuse to sell any goods, chattels, lands, tenements or real estate, according to the writs to him directed and delivered for that purpose, or shall neglect to return a just and perfect inventory of all and singular the goods and chattels, by him taken in execution, unless the said sheriff or coroner shall return that he hath levied the value of the debt, damages and costs, or shall neglect or refuse, on demand made for that purpose, to pay over to the plaintiff or his legal agent or attorney, all money by him received, for the use of the said plaintiff, at any time after receiving the same, he shall, on motion in open court, be amerced in the amount of the said debt, damages and costs, to and for the use of the said plaintiff: *Provided*, That three days notice, in writing, shall be given to the said sheriff or coroner, by the plaintiff or his attorney, before any motion shall be made for such amercement, which amercement shall be entered on the records of the court and shall have the same force and effect as a judgment; whereupon execution, in the name and for the use of the plaintiff, or his legal representative, may, on motion, be awarded against the goods, chattels, lands, tenements and real estate of the said sheriff or coroner: *Provided also*, That nothing herein contained, shall prevent such plaintiff from proceeding against such sheriff or coroner, by attachment, according to law, at his election.

Proviso.

Proviso.

Party dying
in execution
a new one
may issue
against lands.

SEC. 18. That the party at whose suit any person may stand charged in execution, for any debt or damages recovered, his, her or their executors or administrators, may, after the death of the person charged and dying in execution, lawfully sue forth and have new execution against the lands, and tenements, goods and chattels, or any of them, of the person so deceased, in such manner and form, to all intents and purposes, as he, she or they might have had by the laws of the state, had the person never been taken and charged in execution: *Provided always*, That nothing in this section shall be construed so as to authorize the party, his, her or their executors or administrators, at whose suit any person shall be in execution and die, to have execution against the lands or tenements of the person so dying, which shall, at any time after his or her being taken and charged in execution, be, by him or her sold, *bona fide*, for the payment of just debts, and the money which shall be paid for the land so sold, either paid or received, to be paid to his or her creditors.

Proviso.

SEC. 19. That nothing in this act contained, shall in any wise extend to or affect the sale of lands by the state, for any debt or taxes due thereto; but all lands in this state, the property of individuals, who may be indebted to the state, or any corporate body, either for taxes or otherwise, shall be sold, without extent or valuation, for the discharge of such debt or taxes, agreeably to the law or laws of this state in such case made and provided, any thing in this act to the contrary notwithstanding. Lands shall be sold for debts due the state without extent or valuation.

SEC. 20. That the law, subjecting real estate to execution for debt, adopted from the Pennsylvania code and published at Cincinnati, the first day of June, one thousand seven hundred and ninety-five, and an act, passed under the territorial government, the nineteenth day of January, one thousand eight hundred and two, so far as the same may relate to judgments to be entered, after the passage thereof, be, and the same is hereby, repealed: but for the purpose of satisfying all judgments which have heretofore been entered, the same shall be and remain in force and for no other purpose whatsoever, any thing in this act to the contrary notwithstanding. Laws and acts repealed.

—o—

[Act of February 22, 1808, 6 v. L. O. p. 147.]

An act to amend the act, entitled "An act regulating judgments and executions."

SEC. 1. That if executions be levied on lands, tenements or hereditaments, the officer levying such execution shall call an inquest of five reputable freeholders, and the inquest shall, on oath or affirmation, return to said officer under their hands and seals, an estimate of the real value of said estate upon actual view of the premises within ten days after such view; and the said officer on receiving such return, shall forthwith deposit a copy thereof with the clerk of the court where such writ issued, and immediately advertise and sell such real estate, agreeable to the provisions of the ninth section of the above recited act: *Provided*, That no tract of land that has improvements thereon shall be sold for less than two-thirds, nor any tract of land, without improvement thereon for not less than one-half of the returned value by the inquest. Lands to be appraised. Proviso.

SEC. 2. That the defendant shall have the privilege of setting apart to the inquest at the time of the appraisal such part of his real estate (if the whole is not necessary) as he may choose: *Provided*, The same be sufficient to discharge the amount of execution or executions and costs, agreeable to the regulations of the preceding section. Defendant may select a part. Proviso.

Officer may
receive lands
on a ca. sa.

SEC. 3. That any person taken by a writ of *capias ad satisfaciendum*, shall be discharged by delivering to the officer, serving the same, real or personal property sufficient to satisfy the judgment and costs.

This act to
operate on
judgments
hereafter en-
tered.

SEC. 4. That nothing in this act contained, shall be so construed as to affect any judgment entered previous to the taking effect of this act—but the same shall be collected (if suit is prosecuted thereon for the recovery thereof) in the manner pointed out in the act regulating judgments and executions in force at the time such contract was entered into, any thing in this act to the contrary notwithstanding.

Summary re-
medy against
sheriff.

SEC. 5. That whenever the sheriff or coroner shall have collected any money upon execution, or shall neglect or refuse to do his duty as by any execution directed, and shall be amerced upon motion agreeable to the seventeenth section of the act to which this is an amendment, the court are hereby required to render judgment for the amount of the execution and costs with twenty per cent. thereupon, and have the same enforced agreeable to the section aforesaid.

Return of ex-
ecutions.

SEC. 6. That the sheriffs and coroners shall return all executions, to them severally directed, to the court, to which the same is returnable, on or before the second day of the term to which they are made returnable, and the sheriff and coroner shall be liable to be amerced under the provisions of the seventeenth section aforesaid, upon the party moving for judgment, filing one day's previous notice upon the records of the court, within which such motion is intended to be made.

Part of act re-
pealed.

SEC. 7. That the tenth and eleventh sections of the act, entitled "An act regulating judgments and executions," passed February the sixteenth, one thousand eight hundred and five, be, and the same are hereby, repealed.

This act to be in force from and after the first day of June next.



[Act of January 25, 1810, 8 v. L. O. p. 71.]

An act regulating judgments and executions.

Lands may be
sold.

SEC. 1. That all lands, tenements and real estate, shall be liable to be levied upon and sold by execution, to be issued on judgments which may be hereafter recovered in any court of record within this state, for the debt, damages and costs, due and owing on such judgments.

Bound from
1st day of
term.

SEC. 2. That the lands, tenements and real estate of the defendant shall be bound and liable to the satisfaction of the judgment, from the first day of the term in which said judgment is obtained, and the goods, chattels and personal estate of the defendant, shall be bound by and liable to the satis-

faction of the judgment, from the time of their being taken in execution by the sheriff or other officer, and not before.

SEC. 3. That when two or more executions or judgments shall be issued against the goods, chattels, lands, tenements and real estate, or against the goods and chattels only of the same person, except in the cases herein after excepted, the writ of execution that is first delivered to the sheriff shall be first satisfied, and the sheriff shall endorse on every execution by him received, the day of the month, the month and the year, that he received the same. First execution delivered to be first satisfied.

SEC. 4. That if two or more executions be delivered to the sheriff or other officer, on the same day, against the same property, of the same defendant, no preference shall be given to either writ; but if there be not property found sufficient to satisfy all the executions, the sum of money made shall be divided between the plaintiffs, issuing such executions, in proportion to the amount of their several demands. No preference to two executions of same date.

SEC. 5. That if two or more writs of execution be taken out against the lands, tenements and real estate of the same defendant, and delivered to the proper officer within the term, or within ten days next after the close of the term in which the judgment is entered, on which writs are issued, then no preference shall be given to either writ, but the money made, if not sufficient to satisfy all the said writs, shall be divided amongst the plaintiffs in proportion to their several demands. No preference to be given to two executions issued within ten days.

SEC. 6. That any execution to be levied on lands, tenements or real estates, shall command the officer to whom it is directed, that of the goods and chattels of the party against whom it is issued, he cause to be made the monies contained in the said writ, and that for want of goods and chattels, he cause the same to be made of the lands, tenements and real estate of the defendant, and the exact amount of the debt, damages and costs shall be severally endorsed on the back of the execution. Command of execution.

SEC. 7. That the sheriff or other officer, shall immediately after receiving such writ, levy on the goods and chattels of the defendant, to satisfy the monies contained in the said writ, but if goods and chattels be not found, the sheriff or other officer shall endorse on the said writ, the words *nulla bona*, and forthwith levy the said execution on the lands, tenements and real estate of the defendant, of which the said defendant was seized, at or after the first day of the term in which said judgment was obtained, or so much as will satisfy the said execution and cost: *Provided*, That judgments voluntarily confessed in open court shall only have a lien on Sheriff shall first levy on goods; if none, to endorse *nulla bona*, and levy upon lands. *Proviso.*

lands, tenements or real estate, from the day on which they are actually signed or entered.

Not sufficient
goods, &c. to
levy upon
lands.

SEC. 8. That if goods and chattels levied upon as aforesaid be not sufficient to satisfy the whole of the monies contained, in the said writ or writs, the said officer shall endorse on the said writ or writs the amount made of such goods and chattels, and *nulla bona* as to the residue, and forthwith levy for the residue on the lands, tenements and real estate of the said defendant, according to the command of the said writ or writs; and in case goods and chattels be levied upon and returned as remaining in the possession of the officer, unsold for want of buyers, such officer shall return with the writ, a true and perfect inventory of the goods and chattels so taken; and thereupon the plaintiff or plaintiffs may sue out his, her or their writ of *venditioni exponas*.

Notice to be
given.

SEC. 9. That the sheriff or other officer, who levies upon any goods or chattels, shall, before he proceeds to sell the same, cause public notice to be given of the time and place of sale, either by publishing the same in a newspaper, printed within his county, or by advertising the same in four public places within his county, at least twenty days before such sale, two of which advertisements shall be in the township in which such sale is to be made; and no lands, tenements or real estate shall be exposed to sale on any writ of execution, until public notice by advertisement shall have been given of the time and place of such sale, in some newspaper printed in the county, or in five public places in the county, two of which shall be in the township in which the said lands, tenements and real estate may lie, at least thirty days before such sale; and if any sale shall be made by the sheriff or other officer in either case, without notice having been given as aforesaid, the officer making such sale, shall be liable to the action of the defendant and of every other person injured thereby: *Provided*, That in all cases where execution is awarded against the principal and his bail, the property of the principal shall be first sold, both personal and real, to satisfy such judgment and cost of suit.

Proviso.

Valuation to
be returned
under hand
and seal of
five freehold-
ers.

SEC. 10. That if execution be levied on lands, tenements or real estate, the officer levying such execution shall call an inquest of five reputable freeholders, and the inquest shall on oath or affirmation, return to said officer under their hands and seals, an estimate of the real value of said estate, upon actual view of the premises, within ten days after such view; and the said officer on receiving such return, shall forthwith deposit a copy thereof with the clerk of the court where such writ issued, and immediately advertise and sell such real estate, agreeable to the provisions of the ninth section of this act: *Provided*, That no tract of land that has improvements thereon, at the rate of ten acres per each hundred, shall be sold for less than two-thirds, nor any tract of

Proviso.

land without such improvements thereon, for less than one-half of the returned value of the inquest.

SEC. 11. That the defendant shall have the privilege of Defendant setting apart, to the sheriff or other officer, who may have may set apart an execution against him, or to the inquest, at the time of any of his lands. the appraisement, such part of his real estate as may be sufficient, and as near the value as may be, to satisfy such execution or executions, (if the whole is not necessary, as he may choose: *Provided*, The same be sufficient to discharge the amount of the execution or executions and costs, agreeable to the regulations of the preceding section. *Proviso.*

SEC. 12. That each person, who has a family, shall hold the Property exempt following property exempt from all distresses, executions or exempt from execution. sale for debt, or damages, to wit: one cow, three head of sheep, one spinning wheel, one bed and bedding, and the usual and common wearing apparel of such family: *Provided*, That nothing in this section contained, shall extend to any debt contracted before the taking effect of this act.

SEC. 13. That any person taken by a writ of *capias ad satisfaciendum*, shall be discharged by delivering to the officer, serving the same, real or personal property sufficient Property may be received on a ca. sa. to satisfy the judgment and cost.

SEC. 14. That nothing in this act contained, shall be so construed as to affect any judgment entered previous to the taking effect of this act; but the same shall be collected in the manner pointed out in the act or acts regulating judgments and executions, in force at the time such judgment was obtained; any thing in this act to the contrary notwithstanding: *Provided*, Nothing in this section shall be construed This act not to affect former judgments. *Proviso.* to extend to the act, entitled "An act to stay proceedings on executions for a limited time," passed the twentieth day of February, one thousand eight hundred and nine.

SEC. 15. That the sheriff or other officer, who by such Sheriff to writ or writs of execution, shall sell the said lands, tenements or real estate so levied upon, or any part thereof, and shall make to the purchaser as good and sufficient a deed of conveyance for lands, tenements or real estate so sold, as the person or persons against whom such writ or writs of execution were issued, might or could, have made for the same, at or any time after the said lands, tenements or real estate, became liable to the said judgment; which said deed shall vest in the said purchaser, as good and as perfect an estate Effect. in the premises therein mentioned, as was vested in the said defendant, at or after the time when the said lands became liable to the satisfaction of the said judgment; and the said deed or conveyance so to be made by the sheriff or other officer, shall recite the writ or writs and the judgment or judgments, or the substance thereof, by virtue whereof the said lands, tenements and real estate were sold as aforesaid, and shall be acknowledged or proved and recorded, as is, or What shall be recited.

may be required by law, to perfect the conveyance of real estates in other cases.

Sheriff's successor to make deed.

SEC. 16. That if the sheriff or other proper officer, who hath made or shall hereafter make sale of any lands, tenements or real estate, by virtue of an execution against the same, shall abscond or be rendered unable, by death or otherwise, to make a deed of conveyance for the same, it shall be lawful for any succeeding sheriff or other proper officer, on receiving a certificate from the court from which the execution issued, for the sale of the said lands, tenements or real estate, signed by the clerk, by order of the said court, setting forth that sufficient proof hath been made to the said court that such sale was fairly and legally made, and on tender of the purchase money, or if the purchase money or any part thereof be paid, then on proof of such payment and tender of the balance, if any be, to sign, seal and deliver to the said purchaser or his legal representative a deed of conveyance of the said lands, tenements or real estate so sold; which deed shall be as good and as valid, and have the same effect as if the sheriff or other officer, who made sale, had executed the same in due form of law.

Sheriff to pay overplus to defendant.

SEC. 17. That if on any sale to be made as aforesaid, there shall remain an overplus of money in the hands of the sheriff or other officer, after satisfying the writ or writs of execution with interest and legal costs, then the said sheriff or other officer shall pay over to the defendant or his legal representative, such overplus, on demand.

Lands to be held by purchaser free of former executions.

SEC. 18. That the purchaser, his heirs or assigns, shall hold the lands, tenements or real estate, by him or her purchased as aforesaid, free and clear of all other judgments and recognizances whatsoever, on or by virtue of which, execution shall not have been taken out, prior to the date of the writ or writs levied on the lands, tenements and real estate, so purchased, except as herein before excepted.

Reversal of judgment not to affect sale.

SEC. 19. That if any judgment or judgments, in satisfaction of which, any lands, tenements or real estate belonging to the defendant, hath or shall be sold, shall at any time thereafter, be reversed, such reversal shall not affect or defeat the title of the said purchaser; but in such case, restitution shall be made of the money for which such lands, tenements or real estate were sold, with lawful interest from the day of sale, together with all damages sustained by the defendant, by reason of such improper sale or sales.

When sheriff shall make return.

SEC. 20. That the sheriff or other officer, to whom any writ or writs of execution shall be directed, shall return such writ or writs of execution, to him directed, to the court to which the same is returnable, on or before the second day of the term, to which it or they is or are made returnable.

Sheriff liable for negligence

SEC. 21. That if any sheriff or other proper officer, shall refuse or neglect to execute any writ of execution to him

directed, and which hath or shall come to his hands, or shall neglect or refuse to sell any goods, chattels, lands, tenements or real estate; or shall neglect to call an inquest of five reputable freeholders, and return a copy thereof to the clerk's office as provided in the tenth section of this act; or shall neglect to return any writ of execution, to him directed to the court, to which the same is returnable, on or before the second day of the term to which the same is made returnable, as provided in the twentieth section of this act; or shall neglect to return a just and perfect inventory of all and singular the goods and chattels by him taken in execution, unless the said sheriff or other officer shall return, that he hath levied the value of the debt, damage and cost; or shall neglect or refuse on demand made for that purpose, to pay over to the plaintiff or his legal agent or attorney, all money by him received, for the use of the said plaintiff, at any time after receiving the same; or shall neglect or refuse on demand made for that purpose, to pay over to the defendant or his legal agent or attorney, all money by him received, on any sale made as aforesaid, more than sufficient to satisfy the writ or writs of execution, with interest and legal cost, as provided in the seventeenth section of this act, he shall, on motion in open court, be amerced in the amount of said debt, damage and cost, with ten per cent. thereupon, to and for the use of the said plaintiff or defendant, as the case may be: *Provided*, That three days notice in writing shall be given *Proviso.* to the said sheriff or other officer, if he is to be found in the county, by the plaintiff or his attorney; or if said sheriff or other officer is not to be found in the county, upon the party moving for such amercement, filing three days' notice upon the records of the court, within which such motion is intended to be made, and causing proclamation to be made at the door of the court-house three times on each of those days of such intended motion, before any motion shall be made of such amercement; which amercement shall be entered on the records of the court, and shall have the same force and effect as a judgment: whereupon, execution in the name and for the use of the plaintiff or his legal representative, or in the name and for the use of the defendant or his legal representative (as the case may be) may, on motion, be awarded against the body or the goods, chattels, lands, tenements and real estate of such sheriff or other officer: *Provided also*, That nothing herein contained, shall prevent such plaintiff or defendant from proceeding against such sheriff or other officer, by attachment, according to law, at his election.

SEC. 22. That the party at whose suit any person may stand charged in execution, for any debt or damage recovered, his, her or their executors or administrators may, after the death of the person charged and dying in execution, lawfully sue forth and have new execution against the lands, When party dies in execution, another may issue.

Proviso.

tenements and real estate, goods and chattels, or any of them, of the person so deceased, in such manner and form, to all intents and purposes, as he, she or they might have had by the laws of the state, had the person never been taken and charged in execution: *Provided always*, That nothing in this section shall be construed so as to authorize the party, his, her or their executors or administrators, at whose suit any person shall be in execution and die, to have execution against the lands, tenements or real estate of the person so dying, which shall, at any time before or after his or her being taken and charged in execution, be, by him or her sold, *bona fide*, for the payment of just debts, and the money which shall be paid for the land so sold, either paid or received, to be paid to his or her creditors.

This act not to affect the state.

SEC. 23. That nothing in this act contained shall in any wise extend to affect the sale of lands by the state for any debt or taxes due thereto; but all lands in this state, the property of individuals, who may be indebted to the state, either for tax or otherwise, shall be sold without extent or valuation, for the discharge of such debts or taxes, agreeably to the law or laws of this state, in such case made and provided; any thing in this act to the contrary notwithstanding.

Acts repealed.

SEC. 24. That the act, entitled "An act regulating judgments and executions," passed the sixteenth day of February, *Anno Domini*, one thousand eight hundred and five, and the act, entitled "An act to amend the act, regulating judgments and executions," passed the twenty-second day of February, *Anno Domini*, one thousand eight hundred and eight, be, and they are hereby, repealed.

Effect.

This act shall take effect, and be in force, from and after the first day of June next.

NOTE.—The act of February 4, 1807 (took effect June 1, 5 v. p. 100, section 9) of February 16, 1810, (took effect May 1, 8 v. p. 290, section 92) of February 23, 1816, (took effect June 1, 14 v. p. 327, section 46) and of February 18, 1824, (took effect June 1, 22 v. p. 58, section 44) severally contain provisions for the issuing execution from the court of the county where judgment is rendered, directed to the sheriff of any other county in the state. The first named act is repealed by the second, the second by the third, &c.

Act of January 31, 1816—took effect May 1, 14 v. p. 171. Repeals the act of January 25, 1810, and of February 6, 1812, so far as the same relate to judgments afterwards obtained.

Act of February 24, 1820—took effect (except as to valuation and sale of goods and chattels) June 1, 18 v. p. 179. This act relating to judgments and executions, repeals the act of January 25, 1810, the amendatory act of February 6, 1812 and the act of January 31, 1816, as far as they relate to future judgments.

Act of January 29, 1821, 19 v. p. 102. Lands held by permanent leases may be levied upon and sold in the same manner as real estate on execution. Amendatory act, December 26, 1821, 20 v. p. 6.

Act of February 2, 1821—took effect March 1, 19 v. p. 148. Mortgages, trust estates, &c. of banks may be sold on execution.

Act of February 1, 1822—took effect June 1, 20 v. p. 68. This act repeals the act of February 24, 1820 and all acts regulating judgments and executions, coming within its purview.

Act of February 4, 1822, 20 v. p. 65. Where no goods, lands, &c. court, on bill filed, may decree sale of equitable interests and mortgagee's claim, interest, &c. in lands, to satisfy judgment. The act of January 22, 1824, (took effect June 1, 22 v. p. 85, sections 56—7) contains a like provision and repeals act of February 4, 1822.

Act of January 18, 1823, L. L. 1822—3, p. 20. This act relates to the judgment which the state obtained against J. Matthews.

Act of February 4, 1824, 22 v. p. 108—took effect June 1. This act repeals the act of February 1, 1822 and all other acts within its purview. It seems to operate upon all judgments whether prior or subsequent to its passage.

Act of January 25, 1824, 22 v. p. 362. Mortgages, trust estate, &c. of banks may be sold. Acts of February 2, 1821 and February 2, 1822, repealed.

Mortgages.

[Act of January 20, 1802, 1 sess. 2 G. A. T. p. 154.]

An act providing for the recovery of money secured by mortgage.

Scire facias
may issue up-
on mortgages.

Command of
the writ.

Upon plea,
trial may be
had.

Proviso.

SEC. 1. That if any person or persons, who heretofore hath or have, or who hereafter shall execute and deliver any mortgage for securing the payment of any sum or sums of money, hath or shall neglect or refuse to pay to the mortgagee or mortgagees, his or their heirs, executors, administrators or assigns, all monies due and owing, and which such mortgage was intended to cover and secure, according to the covenants and conditions contained in such mortgage, it shall and may be lawful for such mortgagee or mortgagees, or for his, her or their heirs, executors, administrators or assigns, at any time after the last day whereon such sum or sums of money hath or shall become due and payable, according to the conditions and covenants of the said mortgage, to sue out a writ or writs of *scire facias* against the said mortgagor or mortgagors, or his, her or their heirs, executors or administrators; which the clerk of the general court or the prothonotary of the court of common pleas for the county in which the premises so mortgaged may be situate, is hereby authorized, and on application for that purpose, required to issue, directed to the proper officer, commanding him, that by good and lawful men of his bailiwick, he make known to the defendant or defendants in such writ, that he, she or they be and appear before the court, to shew cause, if any there be, why the said mortgaged premises ought not to be taken in execution and sold, to satisfy the money due and owing, according to the conditions and covenants contained in such mortgage; and upon the return of the *scire facias*, it shall be lawful for the defendant or defendants to come in and plead payment or satisfaction of all or any part of the money demanded by the plaintiff or plaintiffs, or any other legal plea in bar or avoidance of the deed or money thereon demanded, as the case may require, and thereon the parties shall proceed to issue and trial, as in other cases. *Provided always*, That no *scire facias* shall be issued on any mortgage executed prior to the passing of this

act, until the expiration of twelve months from the last day on which the sum or sums of money therein mentioned shall become due and payable.

SEC. 2. That if the defendant or defendants in such writ of *scire facias*, on being returned summoned, or on two writs of *scire facias* being returned *nihil*, shall not appear, then judgment, by default, shall be entered, and the court shall proceed, according to law, to assess the damages and to enter final judgment thereon, on which a writ of *levari facias* may issue, by virtue whereof the mortgaged premises shall be taken in execution and exposed to sale, or so much thereof as will satisfy the money thereon due; and the same notice shall be given of the time and place of such sale, as is or may be required, by law, for the sale of other real estate taken in execution; and it shall be the duty of the officer making such sale, to execute a deed to the purchaser for the premises so sold, which deed shall vest in the purchaser all the right, interest and title of the defendant, and the purchaser shall thereafter hold the said premises freed and discharged from all equity and benefit of redemption of such mortgagor; and it shall be the duty of such officer making such sale, after satisfying the judgment, to return the overplus of the purchase money, if any there be, to the defendant.

Judgment by default for non-appearance of defendant.
Court to assess damages.
Levari facias may issue and land sold.
Notice to be given.
Officer to make a deed.

SEC. 3. That if the mortgaged premises, so taken in execution, do not sell for a sum of money sufficient to satisfy the said judgment, then the residue of the said judgment so remaining unsatisfied, shall be deemed and taken to be a debt of record, on which the plaintiff or plaintiffs may issue a writ or writs of *scire facias* and proceed thereon to judgment and execution as in other cases: *Provided always*, That the sheriff or other officer executing a deed by virtue of the directions herein contained, shall not be bound to warrant and defend the right or title of the property so as aforesaid sold and conveyed.

Residue of judgment deemed a debt of record.
Scire facias may issue.
Proviso.

SEC. 4. That nothing herein contained shall affect the right of any person or persons who may set up a claim to such mortgaged premises, by purchase from or under the mortgagor or otherwise, and which claim, in law, shall be paramount to the lien of such mortgage, nor shall any thing herein contained be construed to prevent such claimant from availing himself of any defence that the mortgagor might or could have set up in bar or discharge of such mortgage, or of any fraud or collusion between the mortgagor and the mortgagee.

Purchasers' rights saved.
Claimant may avail himself of the same defence the mortgagor had.

[Act of February 12, 1805, 3 v. L. O. p. 185.]

An act providing for the recovery of money secured by mortgage.

Mortgagees
may sue out a
scire facias.

SEC. 1. That if any person or persons, who hereafter shall execute and deliver any mortgage for securing the payment of any sum or sums of money, hath or shall neglect or refuse to pay to the mortgagee or mortgagees, his or their heirs, executors, administrators or assigns, all monies due and owing, and which such mortgage was intended to recover and secure, according to the covenants and conditions contained in such mortgage, it shall and may be lawful for such mortgagee or mortgagees, or for his, her or their heirs, executors, administrators or assigns, at any time after the last day whereon such sum or sums of money hath or shall become due and payable, according to the conditions and covenants of the said mortgage, to sue out a writ or writs of *scire facias*, against the said mortgagor or mortgagors, or his, her or their heirs, executors or administrators, which the clerk of the supreme court or the clerk of the court of common pleas, for the county in which the premises so mortgaged, may be situated, is hereby authorized, and on application for that purpose, required to issue, directed to the proper officer, commanding him, that, by good and lawful men of his bailiwick, he make known to the defendant or defendants in such writ, that he, she or they be and appear before the court, or shew cause, if any there be, why the said mortgaged premises should not be taken in execution and sold, to satisfy the money due and owing, according to the conditions and covenants contained in such mortgage; and upon the return of the *scire facias*, it shall be lawful for the defendant or defendants to come in and plead payment or satisfaction of all or any part of the money demanded by the plaintiff or plaintiffs, or any other legal plea in bar, or avoidance of the deed or money thereon demanded, as the case may require, and thereon the parties shall proceed to issue and trial, as in other cases.

Command of
writ.

Defendant
pleading pay-
ment, trial to
be had.

After service,
judgment may
be entered by
default.

Levari facias
to issue.

SEC. 2. That if the defendant or defendants, in such writ of *scire facias*, on being returned summoned, or on two writs of *scire facias* returned *nihil*, shall not appear, then judgment, by default, shall be entered, and the court shall proceed, according to law, to assess the damages and to enter final judgment thereon, on which a writ of *levari facias* may issue, by virtue whereof, the mortgaged premises shall be taken in execution and disposed of in the same manner and under the same regulations that lands and tenements are or may be, by law, disposed of, for the satisfaction of judgments.

Residue a
debt of record.

SEC. 3. That if the mortgaged premises so taken in execution, be not sufficient to satisfy the said judgment, then the residue of said judgment, so remaining unsatisfied, shall be

deemed and taken to be a debt of record, on which the plaintiff or plaintiffs may issue a writ or writs of *scire facias*, and proceed thereon to judgment and execution, as in other cases: *Provided*, That the sheriff or other officer executing a deed by virtue of the directions herein contained, shall not be bound to warrant and defend the right or title of the property so as aforesaid sold and conveyed. Proviso.

SEC. 4. That nothing herein contained shall affect the right of any person or persons who may set up a claim to such mortgaged premises, by purchase from or under the mortgagor or otherwise, and which claim, in law, shall be paramount to the lien of such mortgagee, nor shall any thing contained herein be construed to prevent such claimant from availing himself of any defence that the mortgagor might or could have set up in bar or discharge of such mortgage, or of any fraud or collusion between the mortgagor and mortgagee. Paramount rights saved.

SEC. 5. That an act, entitled "An act providing for the recovery of money, secured by mortgage," be, and the same is hereby, repealed. Act repealed.

This act shall commence, and take effect, from and after the first day of June next. Effect.

—♦—

[Act of January 20, 1807, 5 v. L. O. p. 88.]

An act supplementary to an act, entitled "An act for the recovery of money secured by mortgage."

[SEC. 1.] That all money secured by mortgage, executed prior to the taking effect of the act now in force, entitled "An act for the recovery of money secured by mortgage," be, and the same is hereby made recoverable in the same manner that money secured by mortgage was made recoverable by the laws in force at the time such mortgage was executed; any law, usage or custom to the contrary notwithstanding. Proceedings on mortgages under former acts.

—♦—

[Act of January 2, 1810, 8 v. L. O. p. 4.]

An act providing for the recovery of money secured by mortgage.

SEC. 1. That if any person or persons shall hereafter execute and deliver any mortgage for securing the payment of any sum or sums of money, hath or shall neglect or refuse to pay to the mortgagee, or mortgagees, his or their heirs, executors, administrators or assigns, all monies due and owing, and which such mortgage was intended to cover and secure, according to the covenants and conditions in such Scire facias may issue.

Command of writ.

Plea may be filed and trial had.

Judgment by default may be entered.

Levari facias to issue.

Residue a debt of record.

Proviso.

Paramount claims protected.

mortgage, it shall and may be lawful for such mortgagee or mortgagees, or for his, her or their heirs, executors, administrators or assigns, at any time after the last day, whereon such sum or sums of money hath, or shall become due and payable, according to the conditions and covenants of the said mortgage, to sue out a writ of *scire facias*, against the said mortgagor, or mortgagors, or his, her, or their heirs, executors or administrators, which the clerk of the supreme court, or the clerk of the court of common pleas for the county in which the premises so mortgaged may be situated, is hereby authorized, and on application for that purpose, required to issue, directed to the proper officer, commanding him, that by two good and lawful men of his county, he make known to the defendant or defendants in such writ, that he, she or they, be and appear before the court to shew cause, if any there be, why the said mortgaged premises should not be taken in execution and sold to satisfy the money due and owing according to the conditions and covenants contained in such mortgage; and upon the return of the *scire facias*, it shall be lawful for the defendant or defendants to come in and plead payment or satisfaction for all or any part of the money demanded by the plaintiff or plaintiffs, or any other legal plea in bar, or avoidance of the deed or money thereon demanded, as the case may require, and thereon the parties shall proceed to issue and trial as in other cases.

SEC. 2. That if the defendant or defendants in such writ of *scire facias*, on being returned summoned, or on two writs of *scire facias* returned *nihil*, shall not appear, then judgment by default shall be entered, and the court shall proceed, according to law, to assess the damages and to enter final judgment thereon, on which a writ of *levari facias* may issue, by virtue whereof the mortgaged premises shall be taken in execution, and disposed of in the same manner and under the same regulations that lands and tenements are, or may be by law disposed of, for the satisfaction of judgments.

SEC. 3. That if the mortgaged premises so taken in execution be not sufficient to satisfy the said judgment, then the residue of said judgment so remaining unsatisfied, shall be deemed and taken to be a debt of record, for which the plaintiff or plaintiffs, may issue a writ or writs of *scire facias* and proceed thereon to judgment and execution, as in other cases: *Provided*, That the sheriff or other officer executing a deed by virtue of the directions herein contained, shall not be bound to warrant and defend the right or title of the property so as aforesaid sold and conveyed.

SEC. 4. That nothing herein contained shall affect the right of any person or persons who may set up any claim to such mortgaged premises, by purchase from or under the mortgagor or otherwise, and which claim, in law, shall be para-

mount to the claim of such mortgagee, nor shall any thing contained herein be construed to prevent such claimant from availing himself of any defence that the mortgagor might or could have set up in bar or discharge of such mortgage, or of any fraud or collusion between the mortgagor and mortgagee.

SEC. 5. That all money secured by mortgage executed prior to the taking effect of this act for the recovery of money secured by mortgage, be, and the same is hereby made recoverable in the same manner, that money secured by mortgage was made recoverable by the laws in force at the time such mortgage was executed; any law, usages or customs to the contrary notwithstanding. Former laws incorporated with mortgages executed.

SEC. 6. That an act, entitled "An act providing for the recovery of money secured by mortgage," passed the 12th day of February, 1805, and an act supplementary to an act, entitled "An act for the recovery of money secured by mortgage," passed January the 20th, 1807, are hereby repealed. Acts repealed.

This act shall take effect, and be in force, from and after the first day of May next. Effect.

Occupying Claimants.

[Act of February 16, 1801, 8 v. L. O. p. 116.]

An act for the relief of occupying claimants of land.

(Preamble.)

Persons holding lands by record title, &c. not liable for rents and profits in case of eviction.

Proviso.

Proviso.

Commissioners to be appointed to value improvements.

Their duty.

SEC. 1. That all and every person who may be hereafter evicted from any land for which he can shew a plain and connected title in law or equity, derived from records of some public office, without actual notice of adverse title in like manner directed from record, shall be free and exempt from all and every suit, action or prosecution of any kind or nature whatsoever, for, or on account of rents, profits, damages or trespasses which shall have been done, accrued or incurred in consequence of such improvements on such land, done prior to the receipt of actual notice of such adverse claim, by which such eviction may be affected: *Provided*, That such persons shall have obtained peaceable possession of such land: *Provided also*, That nothing herein contained shall extend to affect the right of any infant, insane person, or feme coverts, until one year after such disability shall have been removed.

SEC. 2. That the court who may pronounce and give judgment of eviction, either in law or equity, shall at the request of either party, nominate five persons commissioners, and three of whom shall have power, and it shall be their duty, to go on the land in question, and after viewing the premises, to assess the value of all lasting and valuable improvements that may have been made thereon by such occupying claimant, prior to the receipt of actual notice of an adverse claim; and in assessing the value of such improvements, the commissioners shall take into view all damages the land may have sustained by the commission of any kind of waste, or by the reduction of the value of the soil by cultivation, or damages otherwise sustained or done by such occupying claimant prior to actual notice of an adverse claim, and then subtract the same from the estimate value of such improvements, which assessment or valuation shall be signed and sealed by such commissioners, or a majority of them, and shall be by them deposited with the clerk of that court by whom they were appointed, before the next term thereof; and the court at

such next term after the assessment made and returned as aforesaid, shall enter up a judgment in favor of the person evicted, and against the successful claimant of such land, which judgment shall have the same force and effect as judgment obtained in other cases: *Provided*, That a balance be found by the commissioners appointed as aforesaid in favor of such occupying claimant: *And provided also*, That if such commissioners should find and return a balance in favor of the successful claimant against such occupying claimant, the court shall enter a judgment accordingly. Proviso. Proviso.

SEC. 3. That the commissioners shall also make out an estimate of the value of the land in dispute, exclusive of any improvement that may have been made thereon, and shall make report to the court at the same time that they make report of the value of such improvement; and in no case shall the court give judgment in favor of the occupying claimant for a greater sum than the estimate value of such land, without any improvement being made thereon as aforesaid: and in case the improvements amount to the value of the land, in an unimproved state, the court shall render judgment against such occupant claimant for the amount thereof with cost, on condition the successful claimant shall convey, by deed, to the occupying claimant, the land in dispute. Valuation and other proceedings.

SEC. 4. That each of the commissioners appointed by virtue of this act shall, before they proceed to the discharge of their duties, take the following oath or affirmation, to wit: Commissioners to take an oath.
 "You do solemnly swear or affirm, (as the case may be) that you will faithfully and impartially value all improvements made on a certain tract of land by A. B. (naming the occupying claimant) and now recovered from him by (here name the successful claimant) agreeable to the requisitions of an act for the relief of occupying claimants of land, according to the best of your skill and understanding:" which oath or affirmation any person legally authorized to administer oaths, is hereby authorized to administer.

This act shall take effect, and be in force, from and after the first day of June next. Effect.

NOTE.—Act of January 19, 1816, 14 v. p. 128. A substitute for the law of February 16, 1810 and repeals the same absolutely.

Act of February 23, 1820—took effect June 1—18 v. p. 231. A substitute for the law of January 19, 1816 and repeals the same absolutely.

Act of February 1, 1821, 19 v. p. 128. Revives the acts of February 16, 1810 and of January 19, 1816 for causes pending under them. Causes may be re-docketed.

Partition.

*[Adopted from New-York—published July 17, and took effect
October 1, 1795—Maxwell's ed. T. L. p. 185.]*

A law for the partition of lands.

Intended partition to be published.

If no objection be made, commissioners to proceed.

If objection be made, a day shall be appointed to determine objections.

SEC. 1. Any one or more of the proprietors of any tract or tracts, parcel or parcels of land which now are, or hereafter may be undivided, incline to have partition thereof, may subscribe a writing, and publish the same in one or more of the public newspapers printed in the territory, in the state of Kentucky, and at the seat of government of the United States, for twelve successive weeks, directed in general to all persons interested in such tract or parcel of land, specifying the bounds thereof, and giving notice that three commissioners not interested in such tract or parcel of land, naming them and their places of abode, are appointed to make such partition, and that they will meet at a certain day and place to be also therein mentioned, and to be within ten days after the said twelve weeks are expired, to proceed to the partition of the said lands, and requiring all persons interested therein, to attend then and there for that purpose, either by themselves or their attornies; and if no objection to any of the said commissioners be offered in writing to any one of the judges of the general court, or justices of the inferior court of common pleas of the county in which the greatest part of the lands lie, and a notice of such objection, in writing, served upon the subscriber or subscribers to the notice so directed to be published, or any one of them, and within nine weeks after the first publication thereof, then the commissioners so to be named shall perform the duties required of them by this act. But if such objection and notice be made and given, the judge to whom it was offered shall appoint the parties a day and place within ten days after nine weeks from the first publication of the notice are expired, and then and there hear and determine such objections, and appoint other fit and uninterested persons in the room of those he may think proper to remove as unfit, and such persons so appointed shall thenceforth be the commissioners for executing the powers given to commissioners by

virtue of this act, and shall before they proceed to execute their offices, be severally sworn, or (if the people called Quakers) affirmed, before one of the judges of the said general court, or before any of the justices of any inferior court of common pleas to perform the trust and services required of a commissioner by this act, fairly and impartially, according to the direction thereof, and the best of his skill and judgment; and a certificate of their being so sworn or affirmed from the person administering the oath, shall be filed with the rest of the proceedings as hereafter directed.

Commissioners to be sworn.

Certificate of oath to be filed.

SEC. 2. Of all surveys and allotments to be made by virtue of this act, two true field books and maps specifying the bounds of every allotment and lot shall be made, and the several allotments and lots laid down and numbered on the said map, and then signed by the said commissioners, one of which said field books and maps shall be filed in the office of the clerk of the county where the greatest part of the lands lay, and the other in the secretary's office of the territory; which when done, the said commissioners shall cause an advertisement to be published for at least six weeks in one or more of the newspapers printed in the territory, in the state of Kentucky and at the seat of government of the United States, notifying the filing of the field books and maps in the office, and appointing a particular time and place on a day within twenty days after the expiration of the said six weeks, and requiring all persons interested then and there to attend to see the several lots balloted for; and that the same may be conducted in a just and impartial manner, one or more of the judges of the general court, or one of the justices of the inferior court of common pleas of the county in which the greater part of the lands lie, not interested in the division, upon the request of the said commissioners, in writing under their hands, served six days before the time of meeting, shall be present to oversee the balloting so to be made: at which day and place the said commissioners, having then made as many tickets as there are lots in each allotment, with one of the numbers of each lot on every ticket, and as many tickets as there are patentees and proprietors, with the name of one of the patentees or proprietors on each ticket; the tickets of names shall be put into a box, and the numbered tickets into another box, and such person or persons as the commissioners shall then appoint, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and so proceed until all the tickets are drawn: and after drawing for the lots in one of the allotments they shall proceed in the same manner to draw for the lots in the other allotment or allotments, if more than one, until the whole drawing is completed: and the lot in each allotment on the maps, bearing the number of the ticket

Two field books to be returned and filed.

Commissioners to cause advertisement to be published.

One of the judges to superintend the balloting.

Lottery, how conducted.

Commissioners to enter proceeding and file two copies.

drawn next after drawing the ticket with the name of the patentee or proprietor, shall be the separate and divided share of such patentee or proprietor, and of all persons holding under him or her. Of which balloting, and all the proceedings in such partition the said commissioners shall make a full and fair entry and minute in a book, one copy whereof, certified under their hands, or the hands of a majority of them, and under the hand of the judge present, shall be filed in the said secretary's office; and another certified in like manner, in the clerk's office of that county where the greatest part of the lands lay, which same books or an exemplification under the seal of the territory, shall be good evidence of such partition; and which partition shall be valid and effectual in the law, to divide and separate the said lands.

Commissioners may sell part and make a deed to purchaser.

SEC. 3. The said commissioners or any two of them, shall within one year next after drawing or balloting the lots aforesaid, proceed to sell that part of the tract which was set apart to defray the expense of the partition, at public vendue, to the highest bidder; whereof six weeks public notice shall be previously given in one of the said newspapers; and their deed to the purchaser shall pass as good a title to such bidder, for the separate enjoyment of the same, as if all the patentees or proprietors of the said land had made and executed the same in due form of law.

Commissioners not to be purchasers.

SEC. 4. *Provided always*, That no commissioner or commissioners, or any other person in trust for him or them, shall become purchasers of the said land so to be sold, or of any part thereof. And of the whole charge attending such partition, the commissioners shall keep and state a particular account, and lay the same before one or more of the judges of the general court or one or more justices of the inferior court of common pleas of the county where the greatest part of the lands lie; who are hereby empowered and required to appoint some proper person or persons to audit the same, after fourteen days notice given in writing by the said commissioners to any three of the proprietors, of the time and place of auditing the said accounts, that they may be heard in objecting to the same. And out of the monies arising by such sale, the commissioners may retain so much as the said auditor or auditors, or the major part of them shall certify to be due to them for their services and disbursements in completing the said partition; and the surplus if any there is, shall be divided into equal parts according to the number of patentees or proprietors, as aforesaid, and be paid to them or those holding under them; and the receipt of the said patentees or proprietors as aforesaid, or of any person holding under a patentee shall be a sufficient discharge to the said commissioners for the share of such patentees or proprietors.

Sec. 5. And whereas joint tenants, tenants in common, and Joint tenants, coparceners of particular lots or parcels of land so divided, or &c. may have partition. of other lands held in joint tenancy, coparcenary, or in common may be inclined to have partition thereof; that partition may be made thereof, and be as valid, and the expense of the same defrayed in the same manner as the partition of other lands are before directed; the proprietors, in such further or other partition being considered as the patentees are in the partition above prescribed.

Sec. 6. In case of the partition of any patents or tracts Improvements of land on which improvements have hertofore been made to be paid for by any owner or proprietor, or by any person or persons, by before possession shall consent of any owner or owners, proprietor or proprietors be taken. of any such patents or tracts of land, the person or persons to whose shares such parcels of improved lands shall fall upon a partition of such patents or tracts of land, shall, before he or they be permitted to the possession of the same, pay the respective possessor or possessors thereof, the value of the improvements made thereon: and in order to settle and ascertain the value of such improvements, the said commissioners are hereby fully authorized, empowered and directed, at the request of the party or parties to whom such Value of improvements; how ascertained. parcel or parcels of improved lands shall, upon such partition as aforesaid, appertain, issue their precept to the sheriff of the county in which the lands lie, commanding him to summon twelve freeholders having the proper and legal qualifications of jurors, to attend the said commissioners on the premises, at a day to be appointed in the said precept, not exceeding thirty days after the date thereof, to assess the value of such improvements, at which day and place the said commissioners shall swear the said freeholders, well and truly to enquire into and assess the value of the said improvements, and then shall proceed with their assistance in a summary manner, to enquire into and assess the same, and make duplicates of such their inquiries and assessments under their hands and seals, and the hands and seals of the said freeholders; one of which said duplicates shall be delivered to each of the parties: and in case the possessor or possessors of such improved lands, shall not within thirty days next after a tender to him or them made of the assessed Tender being made of the value, and possession refused, a writ of possession may issue. value by the person or persons to whom the said improved lands shall, upon such partition as aforesaid belong, peaceably and quietly deliver up to to him or them, the possession of the same, the said commissioners or any or either of them shall upon proof of such tender, made before him or them or any or either of them, by the oath of one or more credible witnesses, issue a precept, in writing, under the hands and seals of them the said commissioners or the hands and seals or hand and seal of any or either of them, to the sheriff of the county in which such improved lands respectively lie,

Proviso.

commanding him to put the person or persons to whom such improved lands shall upon such partition belong, into full and peaceable possession of the same: *Provided always*, That the costs, charges and expenses attending, as well on such assessment as aforesaid as on the putting of the party or parties into the possession of such improved lands, shall be estimated according to the regulations herein after prescribed, and shall be paid by the respective possessor or possessors of such improved lands, and on his, her or their refusal to pay the same, shall be levied on his, her or their goods and chattels by warrant under the hands and seals of the said commissioners, or the hand and seal of any one or more of them, directed to the said sheriff of the county wherein such improved lands respectively lie, who is hereby required to perform that service.

Lots drawn for persons having no title, shall be considered as lands not divided.

SEC. 7. And inasmuch as the said commissioners, in such further or other partition, may, through the great number of proprietors and rights, proceed upon a mistake, either by supposing them too few or too many: therefore if any lot or lots shall be set off and drawn for any person having no title to the lands to be divided, such lot or lots shall be considered as lands still undivided; and if no lot or lots shall be set off and drawn for any person having title, nothing herein shall be construed to defeat such title: *Provided nevertheless*, That the partition shall be considered as fully completed, to all intents and purposes, between all and every the other proprietors of the said lands.

One dying, surviving commissioners may proceed.

SEC. 8. If any of the commissioners so to be appointed to make any partition by virtue of this act, shall die before the same is completed, their powers shall vest in, and be exercised by the survivors or survivor of them.

One shall be sworn as surveyor.

SEC. 9. One of the said commissioners shall be sworn as surveyor, previous to the said survey to be performed (or if the people called Quakers, shall make affirmation) to perform the same truly and impartially, and accordingly execute the duties of surveyor: which said oath or affirmation, either of the other two commissioners are hereby empowered to administer, and which oath or affirmation shall be entered in the minutes of their proceedings, and certified by the other two commissioners, and that one other of the said commissioners shall act as clerk, and as such shall take minutes of all their proceedings.

Surveyor dying, another may be appointed.

SEC. 10. In case the said commissioner, being a surveyor as aforesaid, shall die before the survey be completed, or through sickness or some other cause be rendered incapable to complete the same, that in such case the surviving commissioner or commissioners shall and may thereupon nominate, appoint and qualify another surveyor to carry on and complete the same. Or in case either of the said commissioners be a surveyor, he shall and may be qualified and act

as surveyor, and complete the survey in like manner: which said surveyor shall have twenty-eight shillings per day for Fees. his services: the said commissioner acting as surveyor, shall have twenty-eight shillings per day; the commissioner acting as clerk, twenty-eight shillings per day; and the other of the said commissioners, twenty-four shillings per day, while actually employed in the said service; and each of the chain bearers, and the flag-bearer and marker (whenever the commissioners shall think such flag-bearer or marker necessary) shall have ten shillings per day; and the persons who audit their accounts, twenty shillings per day for their services: which allowances shall be in full for their services, and all expenses attending the said survey; but the auditors may allow a reasonable sum for defraying the expense of the attendance of the judges, the advertising and balloting herein before directed.

SEC. 11. Whereas many small estates held in common Partition of require a more easy and less expensive mode for the division estates of less thereof, than that which is herein before provided; where value than any such lands, tenements, or hereditaments shall be held in twelve thousand dollars, common, it shall and may be lawful for the court of common how made. pleas in the county where such lands shall be, upon the application of one or more of the owners or proprietors of such lands, tenements and hereditaments, for partition thereof, it being proved to the satisfaction of the court that the value of the said lands, tenements and hereditaments do not exceed twelve thousand dollars, to appoint three reputable freeholders of the county, commissioners for that purpose, affidavit being first made before the court, by the person or persons making such application, that the other owners or proprietors residing within the state, or the guardians of such owners or proprietors as are minors, have had thirty days previous notice of his or their intention of making such application; and the commissioners so to be appointed, after they shall have been duly sworn before one of the justices of the court of common pleas in such county, honestly and impartially to execute the trust reposed in them respectively as commissioners for making partition of the lands, tenements and hereditaments as directed by the court, shall proceed to make partition of the said lands, tenements and hereditaments, among the owners and proprietors thereof, according to their respective rights therein; which partition being made by the said commissioners, or any two of them, and a return being made, thereof in writing, under their hands and seals, to the court, particularly describing the lots allotted to each respective owner or proprietor, and mentioning which of the owners or proprietors are minors, if any such there shall be; which return, being acknowledged by the said commissioners, or any two of them, before one of the justices of such court, and accepted by the court, and entered of

record in the clerk's office, shall be a partition of such lands, tenements and hereditaments as are therein mentioned.

When houses and lots cannot be divided they may be sold.

Deeds to be made by commissioners.

Compensation to commissioners, and how paid.

SEC. 12. *Provided always*, That where any houses and lots are so circumstanced that a division thereof cannot be made without great prejudice to the owners or proprietors of the same, and the commissioners appointed to make partition of the same shall so report to the court if it shall then appear to the court that such houses and lots do not exceed in value the sum of eight thousand dollars, the court shall thereupon give orders to the said commissioners to sell such house and lot or houses and lots of land, at public vendue, and shall make and execute good and sufficient conveyances to the purchaser or purchasers thereof, which shall operate as an effectual bar, both in law and equity, against such owners, proprietors, and all persons claiming under them; and the monies arising therefrom to pay to the owners, or proprietors of such houses and lots of land, their guardians or legal representatives, as shall be directed in the said order, retaining in their hands, for their services and expenses, such sum as shall be allowed by the court; and the said commissioners, on a division of lands, tenements and hereditaments, by order of the court as aforesaid, shall be allowed such sum as the court shall award for their services and expenses, to be paid by the owners or proprietors of the lands, tenements and hereditaments so divided, in proportion to their respective rights therein; and in case of the neglect or refusal of any of the owners or proprietors to pay his, her or their proportion of the sum so awarded, the court shall order so much of the lands tenements and hereditaments allotted to such owner or proprietor so refusing or neglecting, to be sold at public vendue, as will be sufficient to pay his or her proportion of the sum awarded by the court, together with the costs of such sale: *And provided also*, That no division or sale shall be made by order of the court as above directed, contrary to the intention of any testator, as expressed in his last will and testament.

Guardians may act for minors in partition.

SEC. 13. And the guardians of all minors, shall be and hereby are respectively authorized and empowered, on behalf of the respective minors whose guardians they are, to do and perform any act, matter, or thing respecting the division of any lands, tenements and hereditaments as is directed in the above preceding clause, which shall be binding on such minor, and be deemed as valid to every purpose as if the same had been done by such minor after he should have arrived at full age.*

*Repealed, December 19, 1799, 1 sess. G. A. T. p. 241.

[*Act of December 19, 1799, 1 sess. G. A. T. p. 240.*]

An act repealing certain laws, and parts of laws.

SEC. 1. That the ac's and parts of acts hereinafter men- ^{Partion law}
tioned, shall be, and the same are hereby, repealed, to wit: ^{repealed.}
the act, entitled "A law for the partition of lands," also
so much of the fourth section of the act, entitled "A law ^{Part of at-}
allowing foreign attachments," as requires notice thereof to ^{tachment law}
be advertised in one of the newspapers at the seat of the ^{repealed.}
United States government.*

[*Act of December 23, 1801, 1 sess. 2 G. A. T. p. 82.*]

An act for the partition of real estate.

SEC. 1. That all joint tenants, tenants in common, or co- ^{Who may}
parceners, of any estate or estates, in land, tenements or ^{make or suffer}
hereditaments, within this territory, held or claimed by de- ^{partition.}
vise, descent, patent, deed, covenant or other contract, or
their executors or administrators, shall and may be compelled
to make or suffer partition thereof, according to the provi-
sions herein after contained.

SEC. 2. That where the lands, tenements or hereditaments, ^{What courts}
are situated in two or more different counties, the proceed- ^{have jurisdic-}
ings under this act shall be had before the general or circuit ^{tion.}
court, but where they are situated in one county, the pro-
ceedings may be had before the court of common pleas of
that county, subject to an appeal to the general or circuit
court, at any time within one year.

SEC. 3. That any person being a joint tenant, coparcener, ^{The petition}
or tenant in common, of any lands, tenements or heredita- ^{for partition.}
ments, as aforesaid, or the executor, administrator or guar-
dian of any such person, may file his or her petition in the
general or circuit court, or in the court of common pleas, as
the case may admit, praying that partition of such land, tene-
ments or hereditaments may be made; which petition shall
set forth the nature of the title or claim of the petitioner, the
tract or tracts of land, the tenements or hereditaments of
which partition is prayed; and also, the name and place of
residence and proportion of each coparcener, joint tenant or
tenant in common, so far as the same is within the know-
ledge of the petitioner, and shall be signed by him or her,
and filed in the office of the clerk or prothonotary of the
court to which the same shall be presented.

SEC. 4. That when any petition shall be presented and

*The whole act is repealed January 18, 1802. See ante p. 285.

Notice to be given. filed as aforesaid, the petitioner shall cause notice thereof to be published for six weeks successively, in some newspaper printed within the territory, which notice shall state the court in which the petition is filed, the substance of the petition, and the time allowed by this act to any person or persons to file his, her or their reasons, why such partition ought not to be made; and if it shall appear to the court, that any of the parties concerned, reside out of, or in any distant part of the territory, it shall be lawful for them to direct such other and further notice to be given, as to them shall or may appear reasonable and proper: *Provided always,* That if all the parties concerned, his, her or their agent, attorney or guardian, shall be personally served with the notice aforesaid, at least forty days before the court to which the petition of any of the parties shall be presented, and proof of such service be made, on affidavit, to the satisfaction of the court, it shall be deemed and taken to be sufficient notice to the parties without further publication, and the court shall forthwith proceed in the same manner as is herein after provided in the fifth section of this act.

Proviso.

When personal notice is not given court may make an order for partition. SEC. 5. That if personal notice shall not be given as aforesaid, then at the first term next after the filing of such petition in the general or circuit court, or at the second term next after the filing thereof, in the court of common pleas, the said court shall proceed to examine the claim of the petitioner, and also any objections that may be filed thereto, and if no sufficient reasons shall appear why partition should not be made, the court shall proceed to make an order for such partition, which order shall state the said tract or tracts of land and the number and proportion of the several shares or parcels into which the same is required to be divided.

Commissioners how appointed. SEC. 6. That the said court shall, at the same term they make their order, nominate and appoint not less than three nor more than five impartial and judicious freeholders of the vicinity to act as commissioners in laying off and dividing such land, tenements or hereditaments, into shares; they shall also, at the same term, appoint a suitable surveyor, whose duty it shall be, to measure the several lines of such shares as the commissioners shall direct, and to assist in making such maps and descriptions thereof, as may be necessary and proper: and it shall be lawful for the said commissioners, their agents or associates, to enter upon, pass over or survey any enclosure or tract of land, within or adjacent to the tract or tracts to be divided as aforesaid, doing as little injury to the owner or owners thereof as circumstances will permit.

Their duty.

Their further duty. SEC. 7. That the said commissioners and surveyor shall meet at such time and place as the court shall direct, and being severally sworn to a faithful and impartial discharge of their respective duties, they shall proceed to view and examine the land, tenements or hereditaments, and to divide the

same into the number of parts or shares, as directed by the said court, in the order containing their appointments, each part or share to contain one or more lot or lots, as the commissioners may think proper, having regard to the improvements, situation, quality and advantages, as well as the quantity of each part or share; and if the bounds of any tract or tracts, or any part of such tract or tracts, so to be divided, shall be controverted, it shall be the duty of the said commissioners to separate the same from the uncontroverted part and to make partition of the tract or tracts, in such manner that a proportion of the controverted as well as of the uncontroverted part may be allotted to each share.

How to proceed when title to part is in contest.

SEC. 8. That if any person claiming a share in any lands to be divided by virtue of this act, and having timely notice of the filing of the petition, shall neglect or refuse to have such claim represented, such neglect or refusal shall be deemed fraudulent, and the claim shall thereby become null and void: *Provided*, That nothing in this act shall be construed so as to injure or destroy the right, claim or title of any person or persons claiming land which shall be divided by virtue of this act, except the case provided for in this section.

Claim deemed fraudulent if not presented.

Proviso.

SEC. 9. That it shall be lawful for the said court to issue their *subpoena*, or for the said commissioners, or a majority of them, to issue their precept for calling before them any person or persons to give evidence, on oath or affirmation, of every such matter or thing as may be necessary for them to know; and to bring with them all such deeds, patents, surveys, maps, records and other writings, as may be necessary for the said court or commissioners to examine in executing the duties required by this act and if any person shall disobey such *subpoena* or precept, he shall be subject to the like penalties as are provided for the disobedience of *subpoenas* in other cases, and it shall be lawful for the court or commissioners to examine the petitioner, on oath or affirmation, touching his claim, and the claim of all and every other person or persons whatsoever.

Subpoenas may issue.

SEC. 10. That any person appointed to do or perform any thing by virtue of this act, and refusing or neglecting to do or perform the same, at the times and places ordered and directed by the court, the court may appoint other persons to do and perform the same services, who shall have the same power as if they had been originally appointed: *Provided always*, That the legal acts of a majority of the commissioners, appointed to make partition under this act, shall be as valid to all intents and purposes as if the same had been done by all the commissioners appointed.

Commissioners refusing to serve, others may be appointed.

Proviso: Acts of majority valid.

SEC. 11. That should it so happen, that any person having a right to any share or proportion of the tract or tracts of land, which may be divided under this act, and not barred

On application of party injured, court

may vacate
partition.

Proviso: sale
not to be af-
fected by such
vacation.

Commission-
ers to make a
map of the
land which
shall be re-
turned, sign-
ed, and ac-
knowledgeed.

Lottery for
shares, and
how conduct-
ed.

Proviso.

by the eighth section thereof, should not have the share or proportion to which they may be entitled, allotted to them in manner aforesaid, then, and in that case, such person may, within one year after partition made, apply to the court, by motion, and on shewing a good and sufficient right or claim to any share or part of the said tract or tracts, it shall be lawful for the said court to vacate the said partition, and to order a new division thereof: *Provided always*, That if any part or parts of the tract or tracts, so divided, shall have been sold in manner herein after provided, such sale shall not be affected by such subsequent proceedings, but shall remain in all respects valid, and the quantity or value thereof, shall, on such new partition, be deducted from the share or proportion of such delinquent proprietors; and it shall be lawful for the court to grant such new partition, on the payment of the costs and expense thereof, by the applicant, at their discretion.

Sec. 12. That it shall be the duty of the commissioners, after having made division of the tract or tracts, as directed in the seventh section of this act, to make a true and accurate field book and map of the land so divided, numbering each share on the map progressively, beginning with the number one; which field book and map shall be returned to the court from which such order issued, signed by the commissioners and acknowledged before a justice of the court of common pleas or judge of the general court, and countersigned by the surveyor.

Sec. 13. That after division and return thereof shall be made to the court as aforesaid, the judges or justices shall appoint a suitable disinterested person, to draw lots for the respective shares, and after proclamation made for the proprietors to attend, the persons so appointed shall proceed under the immediate inspection of the court, and of such of the proprietors, their agents, attornies and guardians as may be present, to make as many tickets as there are tenants, with the name of a tenant written on each ticket, and as many tickets as there are shares, with the number of a share written on each ticket, the tickets of names shall be put into one box, and the tickets of shares shall be put into another box, and the persons so appointed, shall draw one ticket out of the box of names and then a ticket out of the box of shares, and so proceed until all the tickets are drawn; and the lot bearing the number in the commissioners description of the ticket drawn next after the name of a proprietor, shall be the separate and divided share of such proprietor, and of all persons holding under him or her: *Provided always*, That when any land to be divided as aforesaid, is held in unequal shares, it shall be the duty of either of the aforesaid courts, and they are hereby authorized to assign to each of the respective parties their proper proportions thereof.

SEC. 14. That it shall be the duty of the clerk or prothonotary, as the case may be, to make a true and accurate record of all the proceedings in any case under this act, which record shall be deemed and taken as valid and effectual in law for the partition of such lands, and thereupon the parties shall hold the shares to them respectively allotted, in severalty. Clerks to record proceedings.

SEC. 15. That the court before whom any partition shall be had, shall tax the costs which may accrue on such proceedings, and each tenant shall be liable to pay his just proportion thereof. Court to tax costs.

SEC. 16. That after the court shall have ascertained the whole expense of such partition, they shall divide the same among the owners or proprietors of the several parts or shares in the same proportion as the several parts or shares shall be to each other, and on default of payment thereof, by the person to whom such share shall be allotted, the said court are hereby authorized and required, at any time after the expiration of six months from the time of such partition, to issue their order, directed to the sheriff or coroner, commanding him to levy upon and sell so much of each of those parts or shares, on which the costs shall not be paid, as may be sufficient to pay or satisfy the costs allotted to the respective proprietors thereof, and it shall be the duty of the said officer to cause the same notice to be given of such sales as is or may be required by law for the sale of lands taken in execution, and on any sale being made as aforesaid, the said officer is hereby authorized and required to make a deed or deeds to the purchaser for the land so sold, which deed shall convey as good and perfect a title to the purchaser, his heirs and assigns, as if the same had been executed by each and every owner or claimant of the said tract or tracts, so divided. Costs how divided. On failure to pay, shares may be sold. Notice to be given. Officer to make a deed.

SEC. 17. That the guardians of all minors are hereby respectively authorized and empowered, on behalf of the respective minors, whose guardians they are, to do and perform any act, matter or thing respecting the partition of land under this act, and the same shall be deemed valid and as binding in law, to every intent and purpose, as if the same had been done by such minor after he should have arrived at full age. Guardians may make or suffer partition for minors.

[Act of January 4, 1802, 1 sess. 2 G. A. T. p. 121.]

An act providing for the appointment of guardians to lunatics and others.

SEC. 2. That the guardian or guardians, appointed as aforesaid, shall improve, frugally and without waste or destruction, the estate of the idiot, *non compos*, lunatic or insane per-

Guardians to lunatics, &c. may make or suffer partition.

son, and apply the annual income and profits thereof for the comfortable maintenance and support of the said idiot, *non compos*, lunatic or insane person; and also for his or her household or family (if any such there be;) and the said guardian or guardians are hereby empowered to settle accounts, receive, and if need be, to sue for and recover all just debts due to the said idiot, *non compos*, lunatic, or insane person, from any person or persons whomsoever; and to manage and improve the real estate, or divide, agreeably to the act, entitled "An act for the partition of real estate," in as full and ample a manner as the said idiot, *non compos*, lunatic or insane person might or could, were they restored to the full use of their rational faculties, and shall also be subject to the payment of all just debts owing by such person, which were contracted before his or her insanity or other disability, out of their personal estate, or in case that be insufficient, then out of the real estate, in such way and manner as executors or administrators may or shall, by law be enabled to discharge the debts of deceased persons, when the personal estate of such deceased persons shall be found insufficient; and in case any such idiot, *non compos*, lunatic or insane person shall be restored to the use of his or her reason, which shall be ascertained by a like inquest as is directed in the first section of this act, the residue and remainder of the estate, real and personal, shall be returned and delivered to him or her; and in case of his or her death, to his or her heirs, executors or administrators, the guardian or guardians, having first such reasonable allowance out of the same for their charge and trouble as the judge of probate shall order.*

[Act of February 1, 1804, 2 v. L. O. p. 114.]

An act to provide for the partition of real estates.

Who may make or suffer partition.

SEC. 1. That all joint tenants, tenants in common and coparceners of any estate or estates, in lands, tenements or hereditaments, within this state, may be compelled to make or suffer partition of such estate or estates, in manner herein after prescribed, and that where such estate or estates, is or may be situated in two or more counties, the proceedings under this act shall be had before the supreme court, when said court shall be in session, in any one of the counties

*Section 4, of this act, authorizes the appointment of guardians to the children of insane persons, lunatics, &c. in the same manner as though the parents were dead. Section 5, provides for the appointment of guardians to persons, who, by excessive drinking, gaming, idleness or debauchery, are wasting their estates. The guardians of such persons have the same authority as guardians to insane persons, lunatics, &c.

PARTITION.

where a part of the premises, so to be divided, shall be situated; and where such estate or estates is, or may be, situated in one county only, the proceedings may be had before the court of common pleas of such county.

SEC. 2. That any person being a joint tenant, coparcener or tenant in common of any such estate or estates, or the executor, administrator, guardian or agent of any such person, may file his or her petition in the supreme court or court of common pleas, as the case may require, praying that partition of such estate or estates may be made, which petition shall set forth the nature of the title or claim of the demandant, the tract or tracts of land, the tenements or hereditaments, of which partition is demanded, and also the name and place of residence of each joint tenant, coparcener and tenant in common, with such demandant, if they shall be known to such demandant, and if, on examination, it shall appear that the demandant hath a good and legal right and title to any part or proportion of such estate or estates, then the court shall proceed; at the term in which such petition may be filed, to order and direct a partition to be had and made in the manner prescribed by the provisions of this act: *Provided*, It shall appear that the notice required by this act hath been sufficiently and legally given, and no sufficient reason shall appear why the prayer of the petitioner should not be granted, otherwise the court shall order and direct notice of such demand of partition to be given, either by publication in one or more newspapers printed in this state, where the parties concerned reside out of this state, or by personal notice to be served at least forty days before the ensuing term, if the party or parties concerned reside within this state: *Provided always*, That where the person or persons, of whom partition is demanded, reside out of this state and have an agent or attorney residing within this state, such personal notice of such demand of partition shall be given to such agent or attorney, as is required in the case of resident proprietors.

Petition.

If party has legal title, court may order partition.

Proviso: Notice to be given.

SEC. 3. That if at the first or any succeeding term (in case a continuance hath been granted) after the filing of such petition, it shall appear to the court, that due notice hath been given, and if no sufficient reason shall appear why partition should not be made, the court shall proceed to order such partition, and shall issue their writ, directed to the sheriff of the county in which the estate or estates shall or may be, or to the sheriff of either of the counties in which the estate or estates shall or may be, in case such estate or estates is or are in more than one county, commanding him, that by the oaths of three judicious and disinterested freeholders of the vicinity, to be appointed by said court, who are not of kin to any of the parties concerned, he cause to be set off and divided, to the demandant in said

Writ of partition to issue.

Command of the writ.

Duty of commissioners.

petition, such part and proportion of such estate or estates as the court shall have ordered and directed; and in making such partition, it shall be the duty of said freeholders, to view and examine such estate or estates, to set apart the same in such lot or lots as will be most advantageous and equitable, having due regard to the improvements, situation and quality of the different parts of such estate or estates, and if the bounds or title of any tract or tracts, or any part thereof, shall be controverted, it shall be the duty of the said freeholders to separate the same from the uncontroverted part, and to make partition of the estate or estates in such manner, that a due proportion of the controverted, as well as of the uncontroverted part, may be allotted to the demandant.

Partition may be made by consent.

SEC. 4. That if at any time after the filing a petition as aforesaid, and before a writ shall have issued to the sheriff, the person or persons, joint tenants, coparceners or tenants in common, of whom partition is demanded, shall appear by him or themselves, or by his or their attorney, and shall pay the costs which have accrued on such petition, and shall consent to a partition, of such estate or estates, then partition shall be made of such estate or estates, by such person or persons, as said joint tenants, coparceners or tenants in common shall agree upon, and in case they do not agree upon any person or persons to make such partition before the end of the term, then a writ shall issue to the sheriff as is herein before provided.

If estate cannot be divided, a valuation shall be returned.

SEC. 5. That when any writ of partition shall issue as aforesaid, if the inquest who are directed to make such partition shall be of opinion, that the estate or estates cannot be divided according to the demand of the writ, without prejudice to or spoiling the whole, the said inquest shall then make and return to the court, a just valuation and appraisement of such estate or estates, whereupon, if the said court shall approve of the said return, and if any one or more of the parties shall elect to take the said estate or estates at the appraised value, the same shall be adjudged to him or them, he or they paying, or securing to be paid to the other parties, their proportions of the appraised value, according to their respective rights; and the sheriff shall, according to the said order of court, make and execute conveyances to the party or parties electing to take the same, subject nevertheless to a lien thereon, in favor of the others of the said parties, until payment be made to them of their respective shares of the money as aforesaid; and in case the said parties shall not agree who shall take the said lands and tenements on the terms aforesaid, then the said court shall or may, at the instance of the demandant in the said partition, make an order for the sale of the said lands and tenements, at public auction, by the sheriff who shall have holden

One of the parties may take the estate at its valuation.

Sheriff to execute a deed.

If no one will take the land, it shall be sold.

the said inquisition, or his successor in office, after due and fair notice of the time and place of such sale, by advertisements published and set up in the several counties where the lands lie, and also such public newspapers as shall be most likely to give fair and full notice of such sale to all the parties concerned and others, which public notice shall be given at least twenty days before the time of sale, in cases where the lands all lie in the same county, and at least sixty days where the lands lie in different counties; and the said sheriff is hereby empowered and ordered, to execute deeds to the purchasers of the lands and tenements, so as aforesaid sold, on receiving payment of the consideration money, or taking sufficient security therefor, to the satisfaction of the court, which money or securities shall be brought into court, before or at the time of the said sheriff's acknowledging the deed in open court, to be distributed and paid by order of the said court, to and amongst the several parties entitled to receive the same, in lieu of their respective parts and proportions of the said lands and tenements, according to their just rights and proportions.

Notice to be given.

Sheriff to execute deeds.

SEC. 6. That where any writ of partition shall issue, or where the parties interested shall agree on some person or persons to make partition, it shall be the duty of the inquest or persons so agreed on, to make a true and accurate plan or map and field book of such lands as may be so divided, and to describe particularly, the metes and bounds of all tenements so divided and apparted, which plan or map, field book and description, the persons or inquest shall sign and send, under seal, to the next court having cognizance of the same, and after division and return thereof shall be made to the court, it shall be examined by the court, and if found justly and accurately made, the clerk shall record such return, which record shall be deemed as valid and effectual in law, for the partition of such lands, tenements or hereditaments, and thereupon the party or parties shall have and hold the shares or parcels to them respectively allotted, in severalty.

Commissioners' duty.

SEC. 7. That the court before whom any partition shall be had, shall tax the costs and expenses which may accrue on such proceedings, and shall issue execution thereupon, against such person or persons, their goods, chattels, lands, tenements and hereditaments, of whom partition is demanded, as shall not have paid their proportion of the costs and expenses so taxed: *Provided however*, That where the parties concerned shall appear and agree upon a person or persons to make partition for them as is herein before provided, then and in that case, the costs and expenses thereafter accruing, shall be taxed in due and just proportion against all the parties.

Court to tax costs and issue execution.

Proviso.

Guardians' power in partition.

SEC. 8. That the guardians of all minors are hereby respectively authorized and empowered, on behalf of their wards, to do and perform any act, matter or thing, respecting the partition of lands under this act, and the same shall be deemed valid and effectual in law, to every intent and purpose, as if the same had been done by such minor, after his arrival at full age.

All former laws repealed.

SEC. 9. That all laws and parts of laws, for the partition of real estate, in force at the time of the passing of this act, be, and the same are hereby repealed.

[Act of January 15, 1805, 3 v. L. O. p. 164.]

An act for the appointment of guardians to lunatics and others.

Guardians of lunatics may divide estate.

SEC. 2. That the guardian or guardians appointed as aforesaid, shall improve, frugally and without waste, the estate of such person, and apply the annual income and profits thereof, for the comfortable maintenance and support of such person, together with his or her family (if any such there be) and are hereby empowered to settle accounts, receive, sue for and recover, all just debts due to such person, and to improve and manage the real estate or divide, agreeable to law, in as full and ample manner as the said idiot, *non compos*, lunatic or insane person could do, were they restored to the use of their reason, and shall also be subject to the payment of all just debts owing by such person, which were contracted before his or her insanity or other disability, out of their personal estate, or in case that be insufficient, then out of the real estate, in such manner as executors or administrators are by law enabled to discharge the debts of deceased persons, when the personal property is found insufficient; and in case such idiot, *non compos*, lunatic or insane person, shall be restored to the use of his or her reason, which shall be ascertained by a like inquest, as is directed in the first section of this act, the residue of the estate, real and personal, shall be returned and delivered to him or her, and in case of his or her death, to his or her heirs or administrators, the guardian or guardians having first such reasonable allowance out of the same, for their compensation, as the court may order.

Act repealed.

SEC. 5. That the act, entitled, "An act providing for the appointment of guardians to lunatics and others," be, and the same is hereby, repealed.

Effect.

This act to commence and be in force, from and after the first day of June next.

NOTE.—Act of January 5, 1816, 14 v. p. 61. Commissioners to make partition may set off dower. When the lands lie in two or more counties or tracts, dower may be set off in one or more counties or tracts.

Act of January 25—took effect May 1, 1816, 14 v. p. 160, sections 39, 40. If some of the heirs of an intestate, who died possessed of lands in one or more counties, are of full age and others minors, the court may, on application of former, order a partition. When lands will not admit of partition, court may order a sale. Act of February 10, 1810 (printed under the title "Wills" *post.*) repealed. The above named act of January 25, 1816, was repealed June 1, 1824. See 22 v. p. 132.

Act of February 26, 1820—took effect June 1, 18 v. p. 226. This act repeals the act of February 1, 1804, and of January 5, 1816. It is but little else than a consolidation of the acts repealed.

Probate and Orphan's Courts, etc.*

[Published August 30, 1788, Childs and Swain's ed. T. L. p. 13.]

A law establishing a court of probate.

Duty of
judges of pro-
bate.

There shall be appointed one judge of probate in each county, whose duty it shall be to take the proof of last wills and testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth, or by law may appertain to the probate office, excepting the rendering definitive sentence and final decrees.

Sessions of
courts.

The judge shall hold four sessions in each and every year, and may adjourn from time to time, or appoint a special session, and at such place in the county as he may deem expedient, whenever the circumstances of the people may require it. The sessions for the county of Washington, shall be holden at the city of Marietta, upon the first Monday of January, April, August, and October, annually. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested, the judge shall call to his assistance, two of the justices of the court of common pleas of the same county; who, together with the judge shall constitute the court of probate; a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said court: *Provided however,* That from every definitive sentence, and from every final decree, rendered by the court, there may be an appeal to the general court of the territory, the appellant giving bond with two sufficient sureties, to prosecute his appeal with effect, which appeal shall be entered upon the second day of the term of the court appealed to, and next holden for the county in which the appeal was taken.

Final decrees,
how rendered.

Judges to take
an oath.

The judge, previously to his entering upon the duties of his office, shall be sworn, before the governor, to a true and faithful discharge thereof.

Wills to be
recorded.

The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and

*See titles, "Wills" *post.* "Partition" *ante* p. 360. "Agents to sell and convey lands," *ante* p. 265.

letters of administration; he shall receive, put on file, and carefully preserve all bonds, inventories, accounts, and other documents, necessary to be perpetuated in his office.

All bonds that by this law are, or by law shall be directed to be given in the court of probate, or probate office, shall be made to the judge, and shall be in trust, to and for the use of all persons concerned, or having interest therein: and the benefit thereof, shall be extended from time to time, to and for the relief of the party injured.

The judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same, and he shall also produce the original bond in court, upon any trial that shall be had for the breach of the conditions thereof, whenever required by such court, and upon refusal, or delay herein, the judge shall forfeit and pay to the party injured treble damages: and there shall be appointed a clerk of said court of probate, who shall be sworn to a faithful discharge of the duties of his office, before he enters into the execution thereof; and the clerk shall record all sentences and decrees of the court of probate, and make entries and records of all matters proper to be entered and recorded in his office.

Copies of bonds to be certified.

[Passed August 1, 1792, Childs and Swain's ed. T. L. p. 42.]

An act empowering the judge of probate to appoint guardians to minors and others.

SEC. 2. That it shall be in the power of the judges of the probate of wills within their respective counties from time to time (upon request made by the friends or relations of any idiot, *non compos* or lunatic person, or by any overseer of the poor in the town where such idiot, *non compos* or lunatic lives, or is an inhabitant) by his writ to direct the sheriff of the county to summon twelve freeholders, good and discreet men, of the same township to make inquisition thereinto and if the person said to be an idiot, lunatic or distracted person, shall be adjudged by such inquest (or the major part of them) to be incapable to take care of him or herself, and they shall certify the same under their hands to the judge; the said judge of probate shall be empowered to assign some suitable person or persons to be guardian or guardians to such idiot, lunatic, *non compos* or distracted person, directing and empowering such guardian or guardians to take care of the person and estate, both real and personal, of such person and to make a true and perfect inventory of the said estate, to be returned into and filed in the probate office of such county.

Courts of probate may appoint guardians to idiots, &c.

Duty and
power of guar-
dians.

SEC. 3. That the guardian or guardians appointed as aforesaid shall improve frugally and without waste or destruction the estate of the idiot, *non compos*, lunatic, or distracted person and apply the annual income and profits thereof for the comfortable maintenance and support of the said idiot, *non compos*, lunatic or distracted person, and also of his or her household or family (if any such there be) and the said guardian or guardians are hereby empowered to settle accounts receive (and if need be) to sue for and recover all just debts due to the said idiot, lunatic, *non compos* or distracted person, from any person or persons whomsoever, and to manage, improve or divide the real estate in as full and ample a manner as the said idiot, lunatic, *non compos* or distracted person, might or could, were they restored to the full use of their rational faculties and shall also be subject to the payment of all just debts owing by such person, which were contracted before his or her distraction, out of their personal estate or in case that be insufficient, then out of the real estate in such way and manner as executors or administrators may or shall by law be enabled to discharge the debts of deceased persons, when the personal estate of such deceased persons shall be found insufficient. And in case any such idiot, lunatic, or distracted person, shall be restored to the use of his or her reason, the residue and remainder of the estate, real and personal shall be returned and delivered to him or her, and in case of his or her death, to his or her heirs, executors or administrators the guardian or guardians having first such a reasonable allowance out of the same for their charge and trouble as the judge of probate shall order.

Guardians
may be ap-
pointed to
drunkards,
gamblers, and
debauchees.

SEC. 6. That when any person by excessive drinking, gaming, idleness or debauchery, of any kind, shall so spend, waste or lessen his or her estate as thereby to expose himself or herself or his or her family, or any of them, to want or suffering circumstances or shall by thus spending, wasting or lessening his or her estate, endanger or expose the town or county to which he or she belongs (in the judgment of the overseers of the poor thereof) to charge and expense for the maintenance or support of him or her or his or her family, or any of them, it shall be the duty of the overseers or overseer of the poor of the town to which such person belongs (more especially if any of the friends or relations of such person shall request it of them) in such case to lodge a complaint with the judge of probate for the county to which the person spending, wasting or lessening his estate as aforesaid doth belong: and if it shall appear to the judge of probate and two of the judges of the common pleas whom he shall call to his assistance, that the person complained of comes within the description of this act, and has had due notice of the complaint exhibited against him or her, as the case may be,

then, and in that case, the said judge of probate shall appoint some suitable and discreet person or persons, guardian or guardians to such person: and no sale or bargain of any real or personal estate made by such person or persons after the appointment of guardianship as aforesaid, shall be held valid in law, nor shall he or she be able to contract any debt or make any assumption: and the guardian or guardians that may be thus appointed, shall, in discharging the duties of their appointment, have the same authority, pursue the same method and be under similar obligation for a faithful discharge of their trust, as guardians appointed for idiots, lunatics or persons *non compos mentis*. Guardians have the same authority as those appointed for idiots, &c.

[Adopted from Pennsylvania—published June 16—and took effect August 15, 1795—Maxwell's ed. T. L. p. 93.]

A law for the settlement of intestate's estates.

SEC. 7. If any person or persons shall die intestate, being owners of lands or tenements within this territory, at the time of their death, and leave lawful issue to survive them, but not a sufficient personal estate to pay their just debts and maintain their children; in such case, it shall be lawful for the administrator or administrators of such deceased, to sell and convey such part or parts of the said lands or tenements, for defraying their just debts, maintenance of their children, and for putting them apprentices, and teaching them to read and write, and for improvement of the residue of the estate, if any be, to their advantage, as the Orphans' court of the county, where such estate lies, shall think fit to allow, order and direct, from time to time. Real estate may be sold by orphans' court to pay debts &c.

SEC. 8. *Provided always*, That no lands or tenements, contained in any marriage settlement, shall, by virtue of this law be sold or disposed of, contrary to the form and effect of such settlement: nor shall any Orphans' court, allow or order any intestate's lands or tenements to be sold, before the administrator, requesting the same, doth exhibit two or more true and perfect inventories and conscionable appraisement of all the intestate's personal estate whatsoever; as also a just and true account, upon his or her solemn oath or affirmation, of all the intestate's debts which shall be then come to his or her knowledge; and if thereupon it shall appear to the court, that the intestate's personal estate will not be sufficient to pay the debts and maintain the children, until the eldest of them attains the age of twenty-one years, or to put them out to be apprentices, and teach them to read and write, then and in every such case, and not otherwise, the court shall allow such administrator to make pub- Proviso: estates under marriage settlements, not to be sold, &c.
Administrators to first deliver inventories and appraisements.

Notice of sale
to be given.

lic sale of so much of the said lands, as the court, upon the best computation they can make of the value thereof, shall judge necessary for the purposes aforesaid; reserving the mansion-house and most profitable part of the estate till the last. But before any such sale be made, the court shall order so many writings to be made by the clerk, upon parchment, or good paper, as the court shall think fit, to signify and give notice of such sales, and of the day and hour when, and the place where the same will be, and what lands are to be sold, and where they lie: which notice shall be delivered to the sheriff or constables, in order to be fixed in the most public places of the county or city, at least ten days before sale; and the sheriffs or constables are hereby required to make publication accordingly: and the administrator that makes such sale shall bring his or her proceedings therein to the next Orphans' court, after the sale made. And if it shall happen that any lands be sold, by virtue of this law for more than the court's computation of the value thereof, then the administrator shall be accountable for the same, as by this law is required for intestates' personal estates.

[Act of October 28, 1799, 1 sess. G. A. T. p. 23.]

An act to confirm and give force to certain laws, enacted by the governor and judges of the territory.

Preamble.

WHEREAS it hath been represented to the General Assembly, by his excellency the governor of the territory, that, on several occasions, laws have been enacted by the governor and judges, of their own authority, and that those laws are of very doubtful obligation, and that they have been so spoken of from the bench: Therefore to confirm and enforce those laws,

Laws confirmed.

SEC. 1. That the laws and acts, and parts of laws and acts herein after enumerated, (excepting such parts thereof as have been repealed or altered by subsequent existing laws) be, and the same are hereby declared to be in force within the territory, as fully and completely as though each and every of them (omitting such parts thereof as have been repealed or altered by subsequent existing laws) were herein recited at length and re-enacted, to wit: * * *

Court of probate.

* * * * * Also a law entitled "A law establishing a court of probate," published in the territory of the United States, north-west of the river Ohio, at the city of Marietta, the thirteenth day of August, A. D. one thousand seven hundred and eighty-eight, excepting so much thereof as respects the appointment and duties of the clerk.

SEC. 2. That the above recited laws and acts, excepting ^{To be in force:} such parts thereof as have been altered or repealed by existing laws, shall continue in full force throughout the territory, until they shall be altered or repealed by the legislature thereof.

SEC. 3. That every judicial act, and all and every other ^{Proceedings} act and proceeding whatever, heretofore had and done under, ^{valid.} and by virtue of such aforesaid laws, or any of them, is and are hereby declared to be valid to every intent, as though the same laws, and every of them, had been adopted conformably to the ordinance of Congress for the government of this territory.

[Act of January 13, 1802, 1 sess. 2 G. A. T. p. 113.]

An act for the distribution of insolvent estates.

SEC. 1. That whenever the estate of any person deceased ^{Insolvent es-} shall be insolvent or insufficient to pay all just debts which ^{tates to be} the deceased owed, the same shall be distributed to and ^{equally divid-} among the creditors, including the whole of them, in proportion to the sums to them respectively due and owing, saving that the debts due for all rates and taxes, and debts due to the United States, the territory or county, and for the last sickness and necessary funeral expenses of the deceased, are first to be paid: and the executor or administrator appointed to any such insolvent estate and accepting such trust, before payment to any be made, except as aforesaid, shall, within thirty days after proving the will or granting letters of administration as aforesaid, represent the condition and circumstances thereof unto the judge of probate; and the said judge shall nominate and appoint two or more fit persons to be commissioners, with full power to receive and examine all ^{Commission-} claims of the several creditors, who are hereby authorized ^{ers appointed} to administer oaths, examine witnesses, books and papers, ^{to examine} touching the validity of all claims which may be exhibited, ^{claims.} in any wise affecting such decedent's estate: and the said commissioners shall cause the times and places of their meeting to attend the creditors for receiving and examining their claims, to be made known, by causing notifications thereof to be posted up in three of the most public places in the township, and upon the door of the court-house in the county where such deceased person last dwelt, and of the adjoining counties within the territory; or by causing an advertisement thereof to be printed in such public newspaper or papers as the judge of probate shall direct; and six months, and such ^{Limitation to} further time not exceeding eighteen months, as the circum- ^{claims.} stances of any estate may require, shall be allowed by the

Judge of probate to order estate sold.

Dower saved.

Proviso.

No action shall be sustained against executor, &c. except on mortgages, &c.

said judge to the creditors, for bringing in and proving their claims; at the end of which limited time, such commissioners shall make their report, and present, upon oath, a list of all the claims that shall have been laid before them, with the sums they shall allow on each claim, to the judge; and the judge shall allow them a reasonable recompense out of the estate of the deceased, for their care and labor in examining the claims: and the debts due for all rates and taxes, and debts due to the United States, the territory or county, debts incurred for the last sickness of the deceased and necessary funeral expenses, as before provided, being first deducted, he shall order the residue of the estate, both real and personal, the real estate being sold according to law, to be paid and distributed to and among the creditors, who shall have made out their claims with the commissioners as aforesaid, in proportion to the sums unto them respectively due and owing, saving unto the widow, if any there be, her right of dower in the lands and tenements, and also her wearing apparel; and one bed, with the usual furniture thereto belonging: and unless the orphan's court of the proper county should order the reversion of such part of the lands or other real estate, set apart and assigned to the widow for her dower, to be sold subject to her right, which the said court is hereby authorized to do, upon the prayer of a majority of the creditors, and distributed together with the other estate of the deceased; the said real estate so set apart for dower, shall, after the death of the widow, or the expiration of her term, be sold; and the proceeds arising therefrom be distributed amongst all the creditors of such deceased person, in proportion to their several demands which shall have been proved and allowed as aforesaid: *Provided*, That nothing in this act contained shall affect the lien of any mortgage or judgment, executed or obtained in the life time of the deceased, on the lands, tenements and real estate of the deceased, but the said lands, tenements and real estate shall be sold, subject to such lien.

SEC. 3. That no action brought against any executor or administrator after the estate shall be represented insolvent, shall be sustained, excepting actions brought for debts due to the United States, the territory or county, or for the last sickness or reasonable funeral charges of the deceased, or on judgments obtained or mortgages executed in the life time of the deceased; or on demands rejected by the commissioners, or demands allowed by the commissioners and objected to by the executors or administrators; in either of which cases actions may be brought and sustained; and if any action shall be instituted on any demand rejected by the commissioners, or allowed by the commissioners, and objected to by the executor or administrator, and judgment be thereon rendered for the plaintiff, the costs of such action shall be paid out of

the estate of the deceased, and the plaintiff shall be entitled to receive his proportional dividend of the residue of the estate, with the other creditors.

SEC. 5. That the law of this territory, entitled "An act Laws repealed for the equal division and distribution of insolvent estates," and the law of the territory, entitled "An act as to the order of paying debts of persons deceased," be, and they are hereby, repealed: *Provided always*, That all proceedings had or to be *Proviso*. had under either of the aforesaid laws, and prior to the taking effect of this act, shall be conducted and settled in the same manner as though this act had never been made, any thing herein contained, to the contrary, notwithstanding.

This act shall take effect, and be in force, from and after Effect. the first day of May next.

[Act of February 1, 1805—3 v. L. O. p. 192.]

An act defining the duties of administrators on wills and intestate estates, and providing for the appointment of guardians.

SEC. 11. That a law establishing courts of probate, pub- Laws and acts lished June sixteenth, one thousand seven hundred and ninety- repealed. five, and "An act empowering the judges of probate to appoint guardians to minors," passed August, one thousand seven hundred and ninety-two, and all other laws on the subject of this law, are hereby repealed;

[Act of February 2, 1805, took effect June 1, 3 v. L. O. p. 241.]

An act for the relief of insolvent debtors.

SEC. 4. That on the final hearing and determination of Court to ap- the court on the petition of any insolvent debtor, it is hereby point trustees made the duty of the court, to appoint one or more trustees, for the purpose of accepting and receiving a conveyance or assignment from each insolvent petitioner, of all the lands, tenements, hereditaments, goods, chattels, rights, credits and effects (excepting such effects as are herein after excepted) as the said petitioner may possess; and before the trustees appointed as aforesaid, proceed to act under the authority of their appointment, they shall give bond to the court, with sufficient sureties to the acceptance of the court, in double the amount of the property to them transferred by such insolvent petitioner, conditioned for the faithful performance of their trust.

SEC. 5. That the said trustee or trustees are hereby empowered to determine and adjust all controversies which

Power and duty of trustees. arise in the settlement of such insolvent petitioners' affairs, either by suit at law or by arbitration, and such insolvent petitioners, in all cases, shall be entitled to a set off of all demands against any and every creditor having claim against him; and the trustees may institute any suit or suits for the recovery of any and all debts, dues and demands, which may have been transferred or conveyed to them as aforesaid, in trust for the use of the creditors, and no suit instituted by such insolvent petitioner, and which is pending at the time of his assignment, shall abate thereby, but shall be continued in his name, and if recovery shall be had, the avails thereof shall be assets in the hands of the trustees, for the payment of the debts of the insolvent petitioners.

Distribution to be made.

SEC. 6. That the trustees aforesaid, after having collected all the debts, dues and demands, to them assigned, in trust as aforesaid, and after having converted all other property, to them assigned, in trust aforesaid, into money, shall proceed without delay to make an equal dividend of the same, agreeable to the provision herein after specified, among the creditors who shall have exhibited their claims, in proportion to the amount of their just demands respectively: *Provided*, That the trustees may retain, for their services and expenses, such compensation as the court shall adjudge reasonable; also, that the court shall allow the insolvent petitioner to retain the necessary wearing apparel and bedding, for himself and family.

[*Act of February 11, 1805, 3 v. L. O. p. 185.*]

An act directing the distribution of insolvent estates.

Acts repealed. SEC. 5. That "An act for the equal division and distribution of insolvent estates," "An act as to the order of paying debts of persons deceased," and "An act for the distribution of insolvent estates," are hereby repealed.

Effect.

This act shall take effect, and be in force, from and after the first day of June next.

[*Act of February 13, 1815, 13 v. L. O. p. 164.*]

An act to provide for the safe keeping of Lunatics, and for other purposes.

SEC. 3. That the overseers of the poor, who may have in their hands any estate, real or personal, of any idiot, *non compos*, lunatic or other insane person for whom a guardian or guardians shall be appointed as aforesaid, shall deliver

over such estate into the hands of the said guardian or guardians, and take a receipt therefor, which shall be filed in the office of the clerk of the court of common pleas; and such guardian or guardians shall improve, frugally and without waste, such estate, and shall apply the same, or the annual profits thereof, for the maintenance of such idiot, *non compos*, lunatic or insane person, together with his or her family (if such there be;) and such guardian or guardians shall have power to settle accounts, receive, sue for, and recover, all just debts due to such person; to improve and manage the real estate, agreeably to law, in as full and ample a manner as such idiot, *non compos*, lunatic or insane person could do, if he was restored to the use of his reason; and shall also be subject to the payment of all just debts of such person, contracted prior to his or her insanity or disability, out of the personal estate, or in case that be insufficient, then out of the real estate, in such manner as executors or administrators are enabled by law to discharge the debts of personal [persons] deceased.

SEC. 9. That the court of common pleas in each county, are hereby empowered to appoint guardians for the children of such idiot, *non compos*, lunatic or insane person, in the same manner as though their parents were deceased: *Provided*, That such guardianship shall cease at the time when, according to the provisions of this act, such idiot, *non compos*, lunatic or insane person, shall be adjudged to be restored to the use of his or her reason.

SEC. 11. That the act, entitled "An act for the appointment of guardians to lunatics and others," passed January the fifteenth, eighteen hundred and five, is hereby repealed.

This act to take effect, and be in force, from and after the first day of March next.

NOTE—ESTATES OF IDIOTS, LUNATICS, &c. Act of January 14, 1817, 15 v. p. 55. This supplementary act defines the powers and provides for the appointment of guardians to such lunatics as abandon their property and remove or escape out of the country.

Act of December—?—1818, 17 v. p. 4. Points out the mode of disposing of the lands of lunatics of other states, and authorizes guardians to carry into effect executory contracts.

Act of January 4, 1820, 18 v. p. 3. Defines the powers of guardians of lunatics, &c. over the real estate, &c. and repeals the act of February 13, 1815, of January 14, 1817, and of December 1818.

Act of December 26, 1820, 19 v. p. 13. Court of common pleas of Trumbull county may appoint a guardian to Daniel Borden a lunatic. Guardian may sell lands, &c.

Act of February 2, 1822, 20 v. p. 49. Guardians may be appointed to deaf and dumb persons, and to have the same powers as other guardians, &c.

Act of January 29—took effect June 1, 1824, 22 v. p. 140. Guardians of idiots, &c. may sell real estate, &c. Repeals acts of January 8, [4] 1820 and February 2, 1822.

Act of February 5, 1824, L. L. 1823—4, p. 21. Guardians of Rebecca Bumgarner, an idiot, authorized to sell lands, &c.

ADMINISTRATORS SALE OF LANDS, &c. OF INTESTATES. Act of January

25—took effect May 1, 1816, 14 v. p. 141. When and how real estate of intestate shall be sold, &c. Act of February 10, 1810 and the act supplementary thereto of February 8, 1812, (both published under title "Wills" *post.*) repealed.

Act of January 29, 1818, 16 v. p. 121. The reversionary interest which may arise after tenancy in dower determined, shall be sold. This act was repealed June 1, 1824. See 22 v. p. 132, sec. 28.

Act of February 11—took effect (except as to proceedings pending and execution of judgments rendered) June 1, 1824, 22 v. p. 124. Equitable interests, &c. of insolvent intestates may be sold. This act repeals act of January 25, 1816, and all other acts coming within its purview.

Act of February 7, 1825, 23 v. p. 26. Lands sold by an administrator, which are bound by a judgment, and encumbered after rendition of the judgment, shall be held by purchaser as free from same, as if sold under execution upon the judgment. Foreign administrators may sell lands owned by intestates in this state.

Act of January 13, 1825, L. L. 1824—5, p. 37. Sale of lands made by the administrators of William Byers confirmed, &c.

See note *ante* p. 279.

ESTATE OF INSOLVENT DEBTORS. Act of February 23—took effect June 1, 1824, 22 v. p. 326. Act of February 2, 1805 repealed.

Act of December 29, 1824, 23 v. p. 13. Amendatory of the act of February 23, 1824.

Real Contracts now Enforced.

[Act of January 4, 1802, 1 sess. 2.G. A. T. p. 78.]

An act providing for the execution of real contracts in certain cases.

SEC. 1. That if two or more persons who heretofore have Coparceners;
held, or who hereafter may hold lands as coparceners, joint &c. dying, sur-
tenants, or tenants in common, have heretofore, or shall here- vivor may pe-
after, become obligated for the sale and conveyance of the tion court
same, or of any part thereof, or if any one or more of the and have con-
said coparceners, joint tenants, or tenants in common, after tract complet-
the said contract, and before the conveyance of the land so ed.
contracted for, hath or have died, or shall die, it shall be
lawful for the survivor or survivors, to present a petition to
the orphans' court of the county in which the land so con-
tracted for may or shall be situated, setting forth the facts
relative to the said contract, and praying for an order for
the execution thereof; and if it shall appear to the said court, Proof required
by good and sufficient testimony, that such contract hath
been made, and hath been fully complied with, on the part
of the purchaser or purchasers, or that the said purchaser
or purchasers is or are then ready to comply with the said
contract, according to the terms thereof, so that he or they
hath or have a full right to demand and receive a convey-
ance of the said land, or any part thereof, it shall be lawful
for the said orphans' court to make an order authorizing and
empowering the said survivor or survivors to complete the
said contract, by conveying the land so contracted for; and Deed may be
the deed so made and executed, by virtue of the order executed and
aforesaid, shall convey as complete and perfect a title, and effect.
shall in all respects have the same effect as if the said deed
had been executed by all the said Coparceners, joint tenants,
or tenants in common.

SEC. 2. That the said petition shall recite the names of Substance of
all the contracting parties, the situation, quantity and des- petition.
cription of the land so contracted for, and the time of making
such contract, and the deed to be made by virtue of the
order aforesaid, shall recite the said order; and it shall be
the duty of the clerk of the said court, to record the said
petition at length, and the order thereon granted.

Executors, administrators, &c. may complete contract

SEC. 3. That if any person or persons who have or shall enter into any contract for the sale and conveyance of land or other real property, and before the completion of such contract on his, her or their part, have or shall die, leaving heirs under the age of twenty-one years, and the executor or executors, administrator or administrators, or other legal representatives of such person or persons, so deceased, or who may hereafter die, may or shall be desirous of completing such contract or contracts, for and on behalf of such minor children and heirs, such executor or administrator, or other legal representative, may petition the orphans' court of that county in which the land or other real property shall be situated, particularly stating the contract, in the like manner as is provided in the case of a survivor or survivors, and the same orders and regulations shall be made and pursued as is herein above provided and pointed out in case of a survivor or survivors; and upon sufficient proof of such contract having been made and entered into, being given to the satisfaction of the said court, an order of court shall be made, authorizing and appointing the executor or executors, administrator or administrators, or other legal representatives of such deceased person, or such other person as the said orphans' court may deem suitable and proper, fully to complete the said contract or contracts of such deceased person or persons, and to make and execute a deed or deeds of conveyance for and on behalf of the heir or heirs of such deceased person or persons, according to the term and stipulations of such contract or contracts; and the person or persons so authorized by the said orphans' court as aforesaid, shall pursue the same rules in making a conveyance as are provided in the case of a survivor or survivors, and such conveyance when made according to the provisions of this act, shall be binding upon the heirs and all other persons interested, in the same manner as though the conveyance had been made by the person or persons making such contract or contracts, in his or their lifetime.

Who may make the deed for heirs.

Effect of conveyance.

Parties to be secured.

SEC. 4. That it shall be the duty of the said court, before the granting of the order aforesaid, to secure or cause to be secured to and for the benefit of the estate or estates of the said deceased party or parties, their just part and proportion of the consideration of the said contract, and the person petitioning for such order, shall pay to the court, for receiving, hearing and deciding on the same, the sum of one dollar, and to the clerk of the said court, for making the necessary entries, the sum of twenty-five cents; and if the said order be granted, the further sum of ten cents for every hundred words contained in the said petition and order, for recording the same.

[*Act of February 19, 1805, 3 v. L. O. p. 137.*]

An act providing for the execution of real contracts in certain cases.

SEC. 1. That if two or more persons, who heretofore have held or who hereafter may hold lands as coparceners, joint tenants or tenants in common, have heretofore or shall hereafter become obligated for the sale and conveyance of the same or of any part thereof, or if any one or more of the said coparceners, joint tenants or tenants in common, after the said contract and before the conveyance of the land so contracted for, hath or have died or shall die, it shall be lawful for the survivor or survivors, to present a petition to the court of common pleas of the county in which the land so contracted for, may or shall be situated, setting forth the facts relative to the said contract and praying for an order for the execution thereof, and if it shall appear to the said court, by good and sufficient testimony, that such contract hath been made and hath been fully complied with on the part of the purchaser or purchasers, or that the said purchaser or purchasers is or are then ready to comply with the said contract, according to the terms thereof, so that he or they hath or have a full right to demand and receive a conveyance of the said land, or any part thereof, it shall be lawful for the said court of common pleas to make an order authorizing and empowering the said survivor or survivors, to complete the said contract, by conveying the land so contracted for; and the deed so made and executed, by virtue of the order aforesaid, shall convey as complete and perfect a title and shall, in all respects, have the same effect as if the said deed had been executed by all the said coparceners, joint tenants or tenants in common.

SEC. 2. That the said petition shall recite the names of all the contracting parties, the situation, quantity and description of the land so contracted for, and the time of making such contract, and the deed to be made, by virtue of the order aforesaid, shall recite the said order; and it shall be the duty of the clerk of the said court, to record the said petition at length and the order thereon granted.

SEC. 3. That if any person or persons, who have or shall enter into any contract for the sale and conveyance of land or other real property, and before the completion of such contract on his, her or their part, have or shall die, leaving heirs under the age of twenty-one years, and the executor or executors, administrator or administrators, or other legal representatives of such person or persons so deceased, or who may hereafter die, may or shall be desirous of completing such contract or contracts, for and on behalf of such minor children and heirs, such executor or administrator, or other legal representative, may petition the court of common

Court of com-
mon pleas may
complete con-
tracts for the
conveyance of
lands on peti-
tion.

What the peti-
tion shall con-
tain.

Executors,
&c. may com-
plete con-
tracts on be-
half of infant
heirs.

pleas of that county in which the land or other real property shall be situated, particularly stating the contract, in like manner as is provided in the case of a survivor or survivors, and the same orders and regulations shall be made and pursued, as is herein above provided and pointed out in case of a survivor or survivors, and upon sufficient proof of such contract having been made and entered into being given, to the satisfaction of the said court, an order of court shall be made, authorizing and appointing the executor or executors, administrator or administrators, or other legal representatives of such deceased person, or such other person as the said court of common pleas may deem suitable and proper, fully to complete the said contract or contracts of such deceased person or persons, and to make and execute a deed or deeds of conveyance for and on behalf of the heir or heirs of such deceased person or persons, according to the terms and stipulations of such contract or contracts, and the person or persons so authorized by the said court of common pleas as aforesaid, shall pursue the same rules in making a conveyance as are provided in the case of a survivor or survivors, and such conveyance, when made according to the provisions of this act, shall be binding upon the heirs and all other persons interested, in the same manner as though the conveyance had been made by the person or persons making such contract or contracts, in his or their lifetime.

Conveyance,
under order of
court, binding

Courts to se-
cure to parties
their propor-
tions.

SEC. 4. That it shall be the duty of the said court, before the granting of the order aforesaid, to secure or cause to be secured, to and for the benefit of the estate or estates of the said deceased party or parties, their just part and proportion of the consideration of the said contract, and the person petitioning for such order shall pay to the clerk of the said court, for making the necessary entries, the sum of twenty-five cents, and if the said order be granted, the further sum of ten cents for every hundred words contained in the said petition and order, for recording the same.

Act repealed.

SEC. 5. That an act, entitled "An act providing for the execution of real contracts in certain cases," be, and the same is hereby, repealed.

Effect.

This act shall commence, and be in force, from and after the first day of June next.

[Act of January 30, 1807, 5 v. L. O. p. 107.]

An act to amend the act, entitled "An act providing for the execution of real contracts in certain cases."

SEC. 1. That if any person or persons, who have entered or shall enter into any written contract for the conveyance

of land or other real property, and before the completion of Contracts such contract, on his, her or their part, have died, or shall ^{may be carried} die, leaving an heir or heirs; such contract shall be carried ^{ed into effect} into effect, in the same manner as though such heir or heirs ^{on behalf of} heirs. were under the age of twenty-one years.

SEC. 2. That if any person or persons, who have entered Heirs or guar- or shall hereafter enter into any written contract for the ^{dians may} purchase of any land or other real property has died, or shall ^{compel con-} die, leaving an heir or heirs; such heir or heirs, his, her or ^{tractor to con-} their guardian or guardians, may compel the conveyance of ^{vey.} such land, in the same manner, as such deceased person might have done, agreeable to the provisions of the act, entitled "An act providing for the execution of real contracts in certain cases."

[Act of January 16, 1810, 8 v. L. O. p. 29.]

An act providing for the execution of real contracts in certain cases.

SEC. 1. That if two or more persons, who heretofore have Contracts held or may hereafter hold lands, as coparceners, joint tenants ^{may be carried} or tenants in common, have heretofore or shall hereafter, be- ^{into effect by} come obligated for the sale and conveyance of the same, or ^{petition to} court. of any part thereof, or if any one or more of the said coparceners, joint tenants or tenants in common, after the said contract and before the conveyance of the land so contracted for, hath or have died or shall die, it shall be lawful for the survivor or survivors to present a petition to the court of common pleas of the county in which the land, so contracted for, may or shall be situated, setting forth the facts relative to the said contract, and praying for an order for the execution thereof: and if it shall appear to the said court, by good and sufficient testimony, that such contract hath been made, and hath been fully complied with, on the part of the purchaser or purchasers, or that the said purchaser or purchasers, is or are then ready to comply with the said contract, according to the terms thereof, so that he or they hath or have a full right to demand and receive a conveyance of the said land, or any part thereof, it shall be lawful for the said court of common pleas to make an order, authorizing and empowering the said survivor or survivors to complete the said contract, by conveying the land so contracted for; and the deed so made and executed, by virtue of the order aforesaid, shall convey as complete and perfect a title, and shall, in all respects, have the same effect as if the said deed had been executed by all the said coparceners, joint tenants or tenants in common.

What petition shall contain. SEC. 2. That the said petition shall recite the names of all the contracting parties, the situation, quantity and description of the land so contracted for, and the time of making such contract; and the deed to be made, by virtue of the order aforesaid, shall recite the said order, and it shall be the duty of the clerk of the said court, to record the said petition at length, and the order thereon granted.

Administrators, &c. may petition contract for heirs, minors or otherwise. SEC. 3. That if any person or persons, who have, or shall enter into any contract for the sale and conveyance of land or other real property, and before the completion of such contract on his, her or their part, have, or shall die, leaving heirs under the age of twenty-one years, or otherwise, and the executor or executors, administrator or administrators, or other legal representatives of such person or persons so deceased, or who may hereafter die, may or shall be desirous of completing such contract or contracts, for and on behalf of such heirs, such executor, administrator or other legal representative, may petition the court of common pleas of that county in which the lands or real property shall be situated, particularly stating the contract, in like manner as is provided in the case of a survivor or survivors; and the same orders and regulations shall be made and pursued as is herein above provided and pointed out in case of a survivor or survivors; and upon sufficient proof of such contract having been made and entered into, being given, to the satisfaction of the said court, an order of court, shall be made, authorizing and appointing the executor or executors, administrator or administrators, or other legal representatives of such deceased person, or such other persons as the said court of common pleas may deem suitable and proper, fully to complete the said contract or contracts of such deceased person or persons, and to make and execute a deed or deeds of conveyance, for and on behalf of the heir or heirs of such deceased person or persons, according to the terms and stipulations of such contract or contracts, and the person or persons so authorized by the said court of common pleas as aforesaid, shall pursue the same rules in making a conveyance, as are provided in case of a survivor or survivors; and such conveyance, when made according to the provisions of this act, shall be binding upon such heirs, and all other persons interested, in the same manner as though the conveyance had been made by the person or persons making such contract or contracts, in his or their life time.

Court may order conveyance.

Effect of deed.

Heirs, &c. may complete contract in like manner. SEC. 4. That if any person or persons who have entered, or shall hereafter enter into any written contract, for the purchase of any land or other real property, has died or shall die, leaving an heir or heirs, such heir or heirs, his, her or their guardian or guardians, may compel the conveyance of such land, in the same manner as such deceased person might have done, agreeable to the provisions of this act.

SEC. 5. That it shall be the duty of the said court, before the granting of the order aforesaid, to secure or cause to be secured to, and for the benefit of the estate or estates of the said deceased party or parties, their just part and proportion of the consideration of the said contract; and the person petitioning for such order, shall pay to the clerk of the said court, for making the necessary entries, the sum of twenty-five cents, and if the said order be granted, the further sum of ten cents for every hundred words contained in the said petition and order, for recording the same. Court to secure rights of parties.

SEC. 6. That the "Act providing for the execution of real contracts, in certain cases," passed the nineteenth of February, one thousand eight hundred and five, and the "Act to amend the same," passed the thirtieth of January, one thousand eight hundred and seven, be, and the same are hereby, repealed. Acts repealed.

This act to take effect, and be in force, from and after the first day of June next. Effects

Seals.

[Act of February 11, 1805, 3 v. L. O. p. 211.]

An act defining seals to be affixed to instruments of writing.

Powers of attorney, wills, deeds, &c. good if sealed with wax, wafer, or ink.

Proviso.

Act repealed.

Effect.

SEC. 1. That to all deeds, bonds, wills, powers of attorney for the conveyance of real estate, which shall hereafter be executed within this state, there shall be affixed a seal, either of wax, wafer or ink, otherwise called a scrawl; and all other instruments of writing, which may hereafter be executed, to which by law, a seal is or may be made necessary, each of the before mentioned methods of sealing shall have equal effects in law: *Provided*, That nothing in this section shall be construed in any wise to affect any law requiring any specific seal to be affixed to any instrument of writing therein mentioned.

SEC. 2. That the act, entitled "An act defining seals affixed to certain instruments of writing," be, and the same is hereby, repealed.

This act shall commence, and be in force, from and after the first day of June next.

NOTE—Act of December 22, 1824, 23 v. p. 15. Repeals so much of the above act of February 11, 1805, as requires a seal to be affixed to wills.

Tax.

[*Founded on and adopted from Pennsylvania—published June 19, and took effect October 1, 1795—Maxwell's ed. T. L. p. 118.*]

A law for raising county rates and levies.

SEC. 19. If upon complaint of the treasurers to the commissioners, as before directed to be made, it shall happen that any of the collectors refuse or neglect to pay the said sums of money, or other effects, which he or they shall respectively be charged to collect; or to produce receipts, testifying the payment or delivery thereof, as aforesaid; or to deliver the money or orders on the treasurers, by them received and required of them by this law (first retaining such sums as are hereby allowed for collecting and paying the same) then the commissioners of the proper county, or any two of them, shall fine every such delinquent collector in any sum not exceeding double the sum in which they are delinquent, and appoint others in his or their stead, as collectors.

Delinquent collectors punished by fine.

SEC. 20. It shall be lawful for the said commissioners of the proper county, or any two of them, and they are hereby required to meet and issue their warrants, under their hands and seals directed to the sheriff or coroner of the proper county, requiring him to take the body, and seize and secure the estate, real and personal, belonging to such delinquent collectors, or which shall come to the hands or possession of his or their heirs, executors or administrators, whereby the same can be discovered or found in the territory, and make return of his proceedings therein, at such time and place as the commissioners shall appoint.

Personal and real estate made answerable.

SEC. 21. The said commissioners who shall cause the said lands and estates to be seized and secured, as aforesaid, shall, and are hereby empowered to appoint a time for a general meeting of the commissioners of each county; and to cause public notice to be given, where such meeting shall be appointed, six days at least, before such general meeting: and the commissioners, then present at such meeting, or the major part of them, in case the money detained by such delinquent collector be not then paid or satisfied, shall,

How such estates shall be sold.

and are hereby empowered and required to issue forth their warrants or precepts, to the sheriff or coroner of the proper county, requiring and commanding him to sell and dispose of all such estates as shall, for the cause aforesaid, be seized and secured, or any part thereof; and to bring the money, arising by such sale, to the commissioners who granted such warrant, in order to satisfy and pay unto the respective county treasurers, for the time being, the sum or sums of money that shall be so unpaid or detained, in the hands of the said collectors or other persons, their heirs, executors or administrators respectively, with damages for what shall be so unpaid, returning the overplus, if any be, to the owner, after all necessary charges deducted.

Sheriff shall
make a deed.

SEC. 22. When any sale of lands, tenements or hereditaments, shall be made by such sheriff or coroner respectively, the title and conveyance thereof shall be by deed, signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same, in fee simple, or otherwise, which shall be most absolute and avorable, in law, against the said delinquents and their heirs and assigns, and all claiming under them.

Gifts, grants,
and sales by
delinquent
collectors are
declared frau-
dulent.

SEC. 23. All gifts, grants and sales which shall be made by any of the said delinquent collectors, or other officers, respectively, of any of their said estates, after the time they should have paid the money or effects arising from the said assessments, unless the estate, so seized be sufficient to answer what they shall be in arrear, are hereby declared to be fraudulent, and shall not prevent or avoid the seizure and sales, hereby appointed, to be made thereof, as aforesaid.

Commission-
ers guilty of
negligence fin-
ed.

SEC. 26. If any of the said commissioners shall refuse or neglect to do his or their duty in the premises, he or they so offending shall be fined by the justices of the peace of the proper county, for the time being, at their court of general quarter sessions of the peace, next after the said offence is committed, in any sum not exceeding one hundred dollars for every offence, which, by virtue of a warrant under the hands and seals of the said justices, or any two of them, directed to the sheriff or coroner of the county where such offender, or his estate, is at the time of issuing such warrant, shall be levied by seizure and sale of lands, distress and sale of goods or imprisonment of body, as the case shall require: and from and after such refusal or neglect, or if any of the said commissioners shall misbehave themselves, or happen to die during the time for which they are appointed, the justices of the peace, at their general quarter sessions next after each death, refusal, misbehaviour or neglect, shall, in every such case, appoint others to act in their stead.

Fine how levi-
ed.

Treasurers
abusing trusts,
to be fined.

SEC. 27. If any of the said treasurers shall refuse or neglect to do his duty, as by this law is required, he shall be fined, by two or more of the commissioners for the county

where he is deficient in his duty, in any sum not exceeding ^{Fines, how} three hundred dollars, for every offence, which shall be ^{levied.} levied as aforesaid, by virtue of a warrant under the hands and seals of two or more of the same commissioners, directed as aforesaid.

Sec. 28. If any of the said assessors shall refuse or neglect ^{Assessors may} to do their duty, as this law requires, the commissioners of ^{be fined.} the proper county, or any two of them, shall fine every such assessor, in any sum not exceeding one hundred dollars, which shall be levied by one of the same commissioners' warrant, in manner aforesaid: all which fines and forfeitures ^{To be levied} mentioned in this law, shall be levied as aforesaid, and shall ^{as in other} be paid and added to the public stock or fund of the re- ^{cases.} spective counties where they shall happen.

[Adopted from Kentucky—published May 1, and took effect December 1, 1798—Freeman's ed. T. L. p. 23.]

A law for the purpose of including all unsettled and unimproved tracts or parcels of land and subjecting them to taxation.

Sec. 1. There shall be paid within this territory the fol- ^{Classes and} lowing taxes for every hundred acres of unimproved un- ^{rates.} cleared prairie or wood land, the following sums according to the following classes: the land shall be divided into three classes according to their quality, that is to say, first, second and third rate, taking into view the surface of the earth as well as the quality of the soil: the first rate shall be taxed at thirty cents, the second rate at twenty cents, and the third rate at ten cents per hundred acres, and in the same proportion for a greater or less quantity; which taxes shall be assessed, collected and paid annually into the county treasury, in the same manner, and by the same commissioners, assessors, collectors and constables, who are appointed, qualified and authorized for fiscal purposes, by a law of the territory for raising county rates and levies, and the money, when raised, shall be appropriated for the same purposes, by the same agents, and under the same regulations as monies raised by the law for raising county rates and levies.

Sec. 2. And the following rule shall be observed in rating ^{Rules of taxa-} any tract of land: where a greater part of a tract shall be ^{tion.} superior in point of quality to second rate land, it shall be denominated first rate; where a greater part of a tract shall be inferior to first rate and superior to third rate, in point of quality, it shall be denominated second rate; and where the greater part of a tract of land shall inferior to second rate it shall be denominated third rate land; and any tract or tracts of land that the owner has no knowledge of and cannot give

satisfactory information thereof, shall be placed in the second class.

Remedy in
case of error.

SEC. 3. When any person thinks any tract or tracts of land, belonging to him or her, are placed in an improper class or the land twice or improperly listed, it shall be lawful for such person, upon application, to the court of general quarter sessions of the peace of the county in which the lands lie, and making due proof of the same, to have the matter rectified, and the proper class of such tract or tracts ascertained or error corrected; and where any lands shall be classed in an inferior class to what it ought to be, on due proof thereof, to the court of quarter sessions of the county in which the land lies, or in which it is listed, the said court shall have the same rectified and placed in the proper class, which alteration shall be certified by the clerk of the sessions to the commissioners and assessors, and they shall be governed accordingly.

Lien upon
land for taxes.

SEC. 4. The territory shall have a perpetual lien on every tract of land and every part thereof, for the amount of all taxes and ten per centum, interest, thereon from the time when they became due, and no alienation of lands belonging to any person shall affect the claim or lien of this territory, until the taxes and interest thereof, due from such person, are paid.

Land how to
be sold for
taxes.

SEC. 5. In case of delinquency in the payment of these taxes, in the ordinary way and time pointed out by said law for raising county rates and levies, it shall be lawful for the collector, on his receiving a warrant for the purpose from the court of quarter sessions, to sell at public auction so much of each tract of land charged with taxes, as will raise a sum of money sufficient to pay the same if the said lands shall lie in his township; and the collector shall in that case advertise the land by imaginary metes and bounds where it lies, the time and place of sale for at least twenty days previous to the sale, at the door of the house where the general quarter sessions are held and during one term of the court, and also in three public places in his proper township; the vendue shall be fair in open day and the land struck off to the highest bidder who shall be able to pay down the money. After such sale, it shall be the duty of such collector to deliver to the purchaser a certificate of the quantity of land sold, describing therein the part that was charged with the tax and the corner or side by courses and distances from which the quantity sold is to be taken; and the sheriff of the county upon receipt of such certificate shall convey the same land to the purchaser, by deed in due form of law executed, which conveyance shall vest in the purchaser all the right, title and interest of the proprietor for whose tax the land shall be sold, and in consideration of law shall also vest the possession of the land in the purchaser.

Collector to
give certifi-
cate, and she-
riff to make a
deed to the
purchaser

SEC. 6. And where any tract of land, or part thereof, is not sold upon being exposed as aforesaid, and the tax on the same not paid, it shall be the duty of the collector to advertise and expose the same to sale, in like manner as to time and place as aforesaid, at every court of quarter sessions, until the land sell or the tax be otherwise paid; and the taxes due on all lands exposed to sale as aforesaid, and on all other lands on which the taxes are not paid, within the time prescribed by law, shall bear an interest of ten per centum per annum, until the whole of the taxes due thereon are paid; and no sheriff or collector or their deputies shall directly or indirectly purchase any land that shall be exposed to sale for the payment of taxes: *Provided however,* That this law shall, not extend to unpatented lands, which are or ever have been the property of the United States, nor to any lands appropriated to certain public uses, excepting the donation land granted by Congress to individuals situate in the counties of Knox, St. Clair and Randolph.

[Act of December 19, 1799, 1 sess. G. A. T. p. 184.]

An act levying a territorial tax on land.

SEC. 8. That there shall be paid within this territory, the following taxes for every hundred acres of land; and so in proportion for a greater or smaller quantity; the land shall be divided into three classes according to the quality, that is to say, first, second and third rate, the first rate shall be taxed at eighty-five cents, second rate at sixty cents, and the third rate at twenty-five cents, per hundred acres, which said taxes shall be paid annually in the manner described by this act; and the following rule shall be observed in rating any tract of land, to wit: when a greater part of a tract shall be superior in point of quality to second rate land, it shall be denominated first rate, when a greater part of a tract shall be inferior to first rate and superior to third rate in point of quality, it shall be denominated second rate, and when the greater part of a tract of land shall be inferior to second rate, it shall be denominated third rate land, taking into view the surface of the earth as well as the quality of the soil: *Provided always,* That nothing herein contained shall be construed to subject to taxation any lands lying within the limits of the contract made by John Cleves Symmes, and his associates, with the board of treasury, and without the boundaries of their patent, until the same shall have been granted by the United States: *And provided also,* That the unimproved lands in the Vincennes and Illinois country, shall not be listed at higher than second rate.

When taxes shall be collected.

Distress and sale.

Proviso.

Compensation of collectors.

Proceedings against delinquent collectors.

Lands when and how to be sold.

SEC. 12. That the sheriff or collector of each county shall, from and after the first day of August, annually, collect and receive from all and every person or persons chargeable therewith, the taxes imposed by this act, in his said county; and in case payment be not made or recovered, on or before the first day of October, annually, the said sheriff or collector, as the case may be, shall have power to distrain the goods and chattels of the person or persons so indebted or failing, and if the owner thereof does not pay the taxes within twenty days after such distress, such sheriff or collector shall sell the same, or so much thereof as shall be sufficient to discharge the said taxes, and the charges of the said distress; and the sale thereof shall be for ready money, or auditor's warrants on the treasury of this territory, and shall return the overplus, if any there be, to the owner: *Provided always*, That when unreasonable seizures or distress is made, the party grieved shall have an action against the sheriff or collector and shall recover full costs, when any damages are given. The sheriff or collector shall duly account for and pay into the treasury of the territory, on or before the thirty-first day of December, annually, the full amount of all taxes imposed in his county, deducting therefrom such allowance as the law directs to be made, and the amount of interest which he may have received, together with six per centum for his commission thereon: and in case any sheriff or collector shall fail to account for and pay into the treasury, as aforesaid, the amount of taxes to be collected by him, according to this act, every such delinquent sheriff or collector and his securities, or either of them, shall be liable to a judgment against them, on motion to be made by the auditor, or other person for him, in any court of record within the county where such delinquent sheriff or collector resides: *Provided*, They have ten days notice of the day on which the motion is to be made, for the amount of the taxes due, and fifteen per centum damages, together with an interest of six per centum on the whole amount until paid, and the costs of the motion, including any expense that may have accrued in giving the said notice, for the use of the territory, and thereupon execution shall issue accordingly.

SEC. 13. That the sheriff or collector, shall be authorized to sell so much of each tract of land charged with taxes, as will discharge the amount thereof, with costs (provided goods and chattels cannot be found thereon to the amount) and the sheriff or collector in that case, shall advertise the time and place of sale one month at the door of the court-house, and also, at four other public places in his county; and if the person claiming the land does not pay the amount, on or before the expiration of the time, the sheriff or collector shall proceed to sell; after such sale, the sheriff or collector shall deliver to the purchaser a certificate of the quantity of

land sold, describing therein the tract that was charged with the tax, and the end or side from which the quantity sold was taken, which shall always be laid off as nearly in a square as the situation will admit of. And the surveyor of the county on the receipt of such certificate, shall by himself or deputy, proceed to survey the quantity sold as aforesaid, agreeably to the said certificate and charge the purchaser with the expense of the same. The surveyor or his deputy, as the case may be, shall give notice to the former owner, if in the county, or his agent, if any he has therein, of the day on which the survey is to be made. And upon the plat and certificate of survey being presented to the sheriff or collector, it shall be his duty to convey the same to the purchaser, by deed, in due form of law executed, which conveyance shall vest in the purchaser all the right, title and interest of the proprietor; and in consideration of law shall also vest the possession of the land in the purchaser: *Provided always*, That nothing herein contained shall extend, or be construed to extend to bar the right, or equity of redemption, which any infant, person *non compos mentis*, or in captivity, may have in the land so sold, provided the taxes and charges thereon, with interest, and an equitable compensation for improvements thereon made, be tendered within one year after such disability be removed.

SEC. 14. That when any tract of land, or part thereof, is not sold upon being exposed, and the tax on the same not paid, it shall be the duty of the sheriff or collector to advertise and expose the same to sale in like manner, as to time and place, as aforesaid, at every court of quarter sessions, until the land be sold, or the tax be paid thereon; and no sheriff or collector, or their deputies, shall directly or indirectly, purchase any land that shall be exposed to sale for the payment of taxes.

SEC. 15. That the sheriff or collector of each county shall, before he receives the list above directed from the clerk of the quarter sessions, or makes any collection under this act, enter into bond, with at least two sufficient securities, in double the amount to be collected, payable to the territorial auditor for the use of the territory, conditioned for the due and faithful paying and accounting for all the taxes imposed by this act, and made his duty for collection during his continuance in office, which bond shall be filed in the office of the clerk of his county. If upon execution being issued against any sheriff in the manner aforementioned, and it shall be returned that there was no effects, or not a sufficiency whereof to levy the whole of the said execution, the securities shall be liable to a judgment against them, on motion to be made by the territorial auditor, in any court of record within the territory, for the sum which shall appear to remain due on the said execution, together with the costs of the motion, as di-

rected in case of a judgment against a sheriff, and the said bond shall not be void on the first recovery, but may be moved on from time to time, until the whole sum of the penalty of such bond shall be recovered thereon. And on any motion to be made on such bond, an attested copy thereof shall be admitted in evidence. And if the sheriff of any county shall neglect or refuse to give such bond, a collector of the tax shall be appointed for that county by the court of quarter sessions, who shall continue in office for one year. And the said collector shall give bond, perform such duties, be entitled to such emoluments, subject to such penalties, and be liable to have such proceedings carried on against him and his securities, as is above directed in the case of a sheriff.

**Non-resident's
lands, how
sold for taxes.**

Sec. 16. That when any non-resident fails to pay to the treasurer the tax and interest due on any tract of land, on or before the said month of August, annually, the auditor shall at the same time when he transmits to the several clerks of the counties the amount of lands entered in his office, certify to the several sheriffs or collectors, as the case may be, such failure of payment, stating particularly the amount of the taxes due thereon; and also, at the same time, advertise the same in one of the gazettes of this territory, for four weeks successively; whereupon the sheriff or collector shall, forthwith after receiving such list, proceed to advertise on the court-house door of his proper county, the said tracts of land on which the tax is due, stating the amount thereof, and that he shall proceed to make sale of the same to satisfy said taxes, unless the same shall be paid on or before the first Monday in November, or so much thereof as will pay the taxes and expenses attending the sale; and the said sheriff or collector shall advertise the same in four different public places within the county, and if the amount of taxes is not paid on or before the time before mentioned, the sheriff or collector shall proceed to sell each tract, or so much thereof, as will amount to the taxes and interest, with legal costs. And when any tract, or part thereof, be sold, the sheriff or collector shall proceed in the same manner to have the same conveyed to the purchaser, as directed in case of residents; and it shall not be lawful for the sheriff or collector, or their deputies, directly or indirectly, to purchase any land sold under this section.

**Must be adver-
tised.**

**This act to be
in force one
year.**

Sec. 19. That the auditor of public accounts shall be, and he is hereby authorized and empowered to apply for, and procure from the land office in the state of Kentucky, an abstract of all lands located between the Scioto and Little Miami rivers, with the names of the persons to whom entered; and it shall be the duty of the auditor, as soon as may be, after obtaining the said abstract, to transmit to the clerks of the peace of the proper county, a list of so much of the said lands as shall lie in their respective counties. The expense

of procuring which abstract shall be paid out of the territorial treasury. And this act shall be in force for the space of one year next after the passing thereof, and from that time until the end of the next session of the legislature, and no longer.

[Act of December 19, 1799, 1 sess. G. A. T. p. 213.]

An act to regulate county levies.

SEC. 25. That an act, entitled "A law for raising county rates and levies," and an act, entitled "A law for the purpose of including all unsettled and unimproved tracts or parcels of land, and subjecting them to taxation," adopted from an act of the state of Kentucky, and published at Cincinnati, the first day of May, one thousand seven hundred and ninety-eight, by Winthrop Sargeant, acting as governor, and John Cleves Symmes, Joseph Gilman, and Return Jonathan Meigs, junior, judges, and all other acts, and parts of acts, coming within the purview of this law, be, and the same are hereby, repealed: *Provided always*, That all taxes laid under the authority of said laws, or either of them, and which are, or shall be unpaid at the taking effect of this law, the same may, and shall be collected under the authority of said laws, in the same manner, and under the same regulations as though this law had never been made.

This act shall commence, and be in force, from and after the first day of March next.

[Act of December 9, 1801, 2 sess. 1 G. A. T. p. 73.]

An act supplementary to the act, entitled "An act levying a territorial tax on land," and providing for a territorial tax for the year one thousand eight hundred and one.

SEC. 1. That the further sale of the lands of non-resident proprietors, for the payment of taxes under the act aforesaid, be, and the same is hereby, suspended and postponed until the twentieth day of March next; and the sheriffs or collectors shall then proceed, from day to day, to sell the lands whereon the taxes are unpaid, agreeably to the provisions in the afore recited act, until the taxes are paid, or the lands sold, except as is herein after excepted, by the second section of this act: *Provided nevertheless*, That nothing in this act contained, shall be so construed as to affect or render void any sale of non-resident's land for taxes already made, or which shall be made at any time before the sheriff or col-

lector making such sale, shall receive information of the passing of this act; any thing herein contained to the contrary notwithstanding.

Rates of taxation for 1801.

SEC. 16. That there shall be paid within this territory, a tax on land subject to taxation, for the year one thousand eight hundred and one, as follows, to wit: on every hundred acres of land of the first rate, fifty-five cents; on every hundred acres of land of the second rate, thirty-five cents, and on every hundred acres of land of the third rate, seventeen cents; and in the same proportion for a greater or less quantity.

Lands not entered in 1800 to be taxed in 1801 and interest to be added.

SEC. 17. That in all cases where lands which shall be entered for the tax of the year one thousand eight hundred and one, which were not taxed in the year one thousand eight hundred, and were subject and liable thereto, it shall be the duty of each clerk and auditor, when they make out the lists for the tax of the year one thousand eight hundred and one, to add to the rates as mentioned, in the sixteenth section of this act, a sum equal to the tax of the year one thousand eight hundred, and one years' interest of ten per centum.

Repeal of part of former acts and other parts confirmed.

SEC. 21. That so much of the afore recited act as permitted non-resident proprietors to pay their taxes to the treasurer of the territory; also, so much of said act as authorized the auditor to receive the entries of lands of non-resident proprietors, and all such other parts of said act as come within the purview of this act, be, and the same are hereby, repealed. This act, together with such parts of the afore recited act as are not repealed by the alterations and provisions of this act, shall continue, and be in force, from and after the passing hereof, until the first day of March, in the year of our Lord, one thousand eight hundred and two, and for the purpose of collecting taxes that may before that time be imposed under this or the above recited act, but for no other purpose; it shall continue in force till all such taxes are collected and no longer.

[Act of December 12, 1801, 1 sess. 2 G. A. T. p. 172.]

An act to postpone the sale of lands for taxes in the counties of Trumbull, Jefferson and Wayne.

Preamble.

WHEREAS it appears to the General Assembly, that the acts levying a territorial tax on land, were not received in the county of Trumbull in season to enable the court of general quarter sessions of the peace for said county, to adopt the necessary measures for carrying the said acts into effect, whereby the lands lying in the said county have unavoidably become subject to be sold for the taxes

due thereon; and it has become the duty of the collector of the said county to expose the said lands for sale, or to suffer the penalties imposed in the said acts: Therefore, to relieve the said county and to give further time to carry the said acts into effect.

SEC. 1. That the sales of the lands of resident and non-resident proprietors, lying within the county of Trumbull, for taxes due and arising, under the act, entitled "An act levying a territorial tax on land," and the act, entitled "An act supplementary to the act, entitled 'An act levying a territorial tax on land,' and providing for a territorial tax for the year one thousand eight hundred and one," shall be, and the same are hereby suspended, until the first day of June next, after which day the sheriff or collector of the said county shall, without further delay, proceed, according to law, to enforce the collection of the said taxes, so far as the same shall remain unpaid; and it shall be the duty of the collector to demand and receive an interest at the rate of ten per centum per annum, and no more, on all taxes by him received after the first day of December, one thousand eight hundred and one, any thing in any former law to the contrary notwithstanding: and whereas the appointment of collectors of the territorial taxes for the counties of Jefferson and Wayne, was procrastinated to a period too late to admit proprietors of land in those counties to a fair opportunity of discharging their taxes within the time allowed by law: Therefore,

SEC. 2. That the collectors of the taxes aforesaid for the counties of Jefferson and Wayne, be, and they are hereby, authorized and required to postpone the sale of the lands for taxes, within the said counties, until the first day of March next, after which day the said collectors shall proceed to enforce the collection thereof, together with an interest of ten per centum per annum, from the first day of September last past, in manner as directed in the preceding section.

[Act of January 23, 1802, 1 sess. 2 G. A. T. p. 60.]

An act levying a tax on land for the year one thousand eight hundred and two, and for other purposes.

(Preamble.)

SEC. 3. That it shall be the duty of the sheriffs or collectors of the several counties in this territory, when they make sale of any land for the payment of taxes, to make a fair record of the purchaser's name, the price per acre for which

the land sold, and the quantity and part sold, the name of the person to whom the tax stood charged, with the amount of the tax and cost, and the day, month and year of the sale, and the year for which the tax was levied; which record he shall subscribe and lodge in the office of the clerk of the court of general quarter sessions of the proper county, for the use of such county, within thirty days after any sale made, under the penalty of one hundred dollars, to be recovered by indictment in the general court or in the court of general quarter sessions of the peace; and it shall be the duty of the clerk to receive and preserve such record, and to transfer the said land to the purchaser on his book of transfers, for the purposes of taxation.

Collectors to
distrain lands
for taxes.

Sec. 4. That if the owner or owners of any tract of land, shall neglect or refuse to pay the tax on or before the first day of October, and shall become due and payable, it shall be the duty of the collector or sheriff to proceed forthwith to distrain all the personal property of the delinquent in such manner as the law directs; but if the same cannot be found whereon to distrain, and the amount owing shall not be paid on or before the first day of November next, after the said tax shall become due, the sheriff or collector, as the case may be, shall be required to charge the said delinquent with a penalty of fifty per centum on the amount due from such delinquent or delinquents; and the said collectors and sheriffs, on or before the thirty-first day of December, to pay over, according to law, all monies by them collected, and to transmit to the auditor a schedule of all the lands contained in their respective duplicates, on which the taxes shall not have been paid on the said first Monday of November; and if the owner or owners of any tract of land, charged with taxes as aforesaid, shall neglect or refuse to pay to the collector or sheriff the amount due and owing on such tract of land, together with the aforesaid penalty of fifty per centum and legal interest on the amount, from the said first Monday of November, one thousand eight hundred and three, the said collector or sheriff shall proceed forthwith to sell the said land, or so much thereof as will satisfy the amount of the said tax and penalty, with interest as aforesaid, and the auditor, on receiving the aforesaid schedules, shall proceed to charge the collector and sheriff respectively, with the aforesaid penalty of fifty per centum on the amount of taxes due on the several tracts of lands contained in their respective schedules; and the said collectors and sheriffs are hereby required, from time to time, to pay over, according to law, all sums of money received from such delinquents; and if any collector or sheriff shall not have paid over the whole amount of money charged

Delinquents to
be charged 50
per centum.

Schedule of
delinquents to
be sent to au-
ditor.

When collect-
ors shall sell.

to him on the auditor's books, with all sums of interest he may have received thereon, on or before the thirty-first day of December, one thousand eight hundred and three; it shall be the duty of the auditor forthwith to proceed against such delinquent collector or sheriff as the law directs: *Pro-Provido. vided always,* That the lands lying in the Virginia Military District shall be sold in the county town of the county in which they respectively lie: *And provided also,* That if, *Provido.* through mistake or misinformation, any tract of land shall be sold for taxes in any other county than the county in which such tract shall be found, on actual survey, to lie, such sale shall not be affected by such mistake, but shall be held as valid to every intent, as though the same had been made in the proper county.

SEC. 5. That if the owner or owners of any tract of land sold for taxes under this act, his or her agent or attorney shall, within one year from the time of sale, lodge with the sheriff or collector, the amount of the tax and legal costs, and sixty per centum damages thereon, then, and in that case, the said lands shall revert to the original owner, and the sheriff or collector shall pay over all such money, so received, to the person or persons who purchased the said lands at the said sales, if demanded, and if not demanded within six months after it is lodged as aforesaid, the sheriff or collector shall pay the same over to the treasurer of the territory, who shall receive it and pay it over to the purchaser, if demanded within one year, and so much thereof as shall not be demanded within the period aforesaid, shall be passed to the credit of the territory; and the sheriff or collector, as the case may be, shall be entitled to retain, for his trouble and to his own use, seven per centum out of all the monies that shall be received and paid over under the authority of this section: and whenever a sale of lands shall be made for the payment of taxes, under the authority of this act, the sheriff or collector, making such sale, shall not make a deed therefor, until the expiration of one year from the day on which such land shall be sold.

Lands sold for taxes may revert to owner on payment of tax and penalty.

Sheriff to refund to purchaser.

Collector not to make a deed for one year.

SEC. 6. That the collector of taxes in the district of land, commonly called the Virginia Military District, and the sheriffs in the several counties who shall be authorized to collect the revenue for the year one thousand eight hundred and two, shall, and it is hereby made their duties respectively, to make deeds to the purchasers of all lands heretofore sold for taxes, or in case of the death of any purchaser, to his legal representatives, in the same manner as their predecessors were authorized to do, upon receiving the certificate of the county surveyors, of the counties in which the lands may or shall respectively lie.

Collector of V. M. Tract to make deeds.

SEC. 7. That there shall be paid within this territory, a tax on land, subject to taxation, for the year one thousand eight hundred and two, as follows, to wit: on every hundred

Rates of tax.

Collector's
duty.

Proviso.

Auditor's du-
ty.

Proviso.

Tax and pe-
nalty to be
added.
for 1802.

Sheriff to col-
lect within his
county.

Proviso.

acres of land of the first rate, sixty cents; on every hundred acres of land, of the second rate, forty cents; and on every hundred acres of land, of the third rate, twenty cents; and in the same proportion for a greater or less quantity. And it shall be the duty of the sheriff or collector in each county, to pay into the treasury of his county, one-fourth of the sum of the taxes collected by him, for the use of the county, for the purposes of opening and repairing highways, building and repairing court-houses and jails, and for the payment of debts contracted, *bona fide*, for the above purposes; and the receipt of the county treasurer shall be received by the territorial treasurer, and the sheriff or collector shall be credited with the amount thereof in the settlement of his account with the treasurer: *Provided*, That the collector of the taxes in the Virginia Military District, shall pay over the aforesaid one-fourth part of the tax arising from the lands of non-resident proprietors, within the district, to the auditor of public accounts, who is hereby directed to pay the same to the several county treasurers, of Hamilton, Adams, Ross and Clermont, in such proportion as shall to him appear just and equitable, and which proportion shall be adjusted according to the quantity and quality of the aforesaid lands, that shall be found to lie in each of the said counties respectively, as nearly as can be ascertained; and the receipt of the auditor shall be received by the territorial treasurer, in settlement of the account of the said collector: *Provided also*, That no interest shall be demandable upon any tax which shall be paid prior to the first day of November of that year in which it shall become due.

SEC. 8. That in all cases where lands shall be entered for the taxes of the year one thousand eight hundred and two, which were not taxed in the year one thousand eight hundred, or one thousand eight hundred and one, and were subject and liable thereto, it shall be the duty of such clerk and auditor, when they make out the list for the tax of the year one thousand eight hundred and two, to add to the rates mentioned in the sixth section of this act, a sum equal to the taxes due and owing on such lands, prior to the year one thousand eight hundred and two, and a penalty of ten per centum per annum more.

SEC. 11. That it shall be the duty of each sheriff to collect the territorial taxes within his county, and if any sheriff shall refuse or neglect to give bond and qualify himself to collect such taxes, on or before the first day of August in each year, he shall forfeit and pay a sum not exceeding three hundred dollars, to be recovered by the auditor in an action of debt, before any court having cognizance thereof, to and for the use of the territory: *Provided always*, That if any sheriff shall incur the penalty herein provided, by refusing or neglecting to qualify himself according

to aw, it shall be the duty of the court of general quarter sessions of the peace, to proceed to the appointment of a collector as the law directs; and it shall be lawful for the sheriffs of the several counties, instead of the per centum heretofore allowed, to retain seven per centum for their own use, on all taxes by them collected for the year one thousand eight hundred and two.

SEC. 19. That so much of the act, entitled "An act for opening and regulating public roads and highways," as authorizes the county commissioners to levy a road tax on land, be, and the same is hereby; repealed; and that such parts of the "Act levying a territorial tax on land," and the "Act supplementary to the act levying a territorial tax on land, and providing for a territorial tax for the year one thousand eight hundred and one," as are not contrary to this act, are hereby revived, and, together with this act, shall remain and be in force until the end of the next session of the legislature, and for the purposes of collecting taxes that shall then be due and unpaid, until such taxes are collected, and no longer.

Part of act repealed, and part of another revived.

Continuation.

[Act of April 16, 1803, 1 v. L. O. p. 58.]

An act to revive and continue in force, several acts laying taxes on land, and for other purposes.

SEC. 1. That the courts and the clerks of the courts of common pleas, in the several counties which have been established by the present legislature, and all sheriffs and collectors, and all other officers be, and are hereby, vested with the same powers, and are required to do the same duties and be subject to the same penalties as by the existing laws, the said officers are and shall be subject to in the other counties of this state: *Provided*, That the clerks aforesaid be allowed until the first day of July next, to perform the duties required in the ninth section of the act, entitled "An act levying a tax on land for the year one thousand eight hundred and two, and for other purposes."

Powers of the officers of new counties.

SEC. 2. That the clerks of the court of common pleas in the several counties, which were established before the commencement of the present session of this General Assembly, shall make out and transmit to the clerks of such counties as have since been established, certified extracts of all lands which are entered in their respective offices lying within either of the new counties which have been established as aforesaid, on or before the first day of June next; and it shall be the duty of the clerks of the counties last above designated, to enter the said extracts in books to be provided for that purpose,

Clerks to certify entries.

and also, to receive and make all entries and transfers, from time to time, as by law are required of the clerks in the other counties in this state.

Laws declared in force.

SEC. 4. That all laws regulating the taxation of lands, shall continue in force until the end of the next session of the legislature, together with this act, and for the purpose of collecting taxes that shall then be due and unpaid, until such taxes are collected and no longer.

Penalties on officers failing in duty.

SEC. 5. That if any sheriff or collector shall neglect or refuse to perform the duty enjoined by the fourth section of the act, entitled "An act levying a tax on land for the year 1802," as far as the said section makes it the duty of a sheriff or collector to distrain and sell the personal property of such persons, as shall be delinquent on the first day of October, such sheriff or collector shall be liable to pay all interest, damages and forfeitures that any resident proprietor may be subject to, in consequence of such neglect.

Sales for taxes postponed.

SEC. 6. That such lands on which the taxes for the present year shall remain due and unpaid, on the first Monday of November next, shall not be sold until the first Monday in November, in the year 1804.

[Act of February 18, 1804, 2 v. L. O. p. 166.]

An act levying a state tax.

Land tax.

SEC. 1. That all lands, the property of individuals, within this state, shall be chargeable for the state expenses, to be levied and collected in such manner and proportion as herein after directed.

Classification and rates.

SEC. 2. That lands shall be rated and classed in the manner following: that is to say, first, second and third rates, and the rule to be observed in classing of all land shall be as follows: when a greater part of a tract shall be superior in quality to second rate land, it shall be denominated first rate; when a greater part of a tract shall be inferior to first rate, and superior to third rate, it shall be denominated second rate; and when a greater part of a tract shall be inferior to second rate, it shall be denominated third rate land; taking into view the situation and surface of the earth as well as the quality of the soil. First rate land shall be taxed at seventy cents, second rate at fifty cents, and third rate at twenty cents; and it is hereby made the duty of every resident proprietor, owning land chargeable as aforesaid, on the fifteenth day of April, annually, when thereto required by the listers of the respective townships, to give an accurate list of such land, in writing; and such resident proprietor or proprietors shall list all and every tract of land, he, she or

How resident proprietors shall enter their lands.

they claim within this state, specifying the quality, quantity, range, township, section and county, if known, and whether holden either by patent, deed, entry, or other evidence of claim.

SEC. 3. That it shall be the duty of the lister of each township, annually, between the fifteenth day of April and the twenty-fifth day of May, to demand of every resident proprietor within their respective townships, a list as aforesaid, and if any person shall refuse to render his list, such lister shall make out a list of such person or persons land so refusing, according to the best information he may have or can obtain; which land so listed, shall be double taxed, and the person so refusing shall be bound thereby; and if any person shall request any lister to make out his list, such lister shall make out the same as directed by such person, which list such person shall sign. Duty of township listers.

SEC. 4. That each lister shall, after collecting the lists within his township, make out two alphabetical copies therefrom, of all land by him listed, one whereof he shall deliver to the clerk of the commissioners, on or before the first Monday of June, annually; the other copy, together with the original lists, by him collected, shall be returned to the clerk of the court of common pleas by the first Monday of June; which lists, so returned, shall be kept and filed by said clerks, in their respective offices. Alphabetical lists to be made.

SEC. 5. That all persons not residing within this state, and holding lands within the same, except lands lying between the Scioto and Little Miami rivers, called the Virginia Military Lands, shall have the same entered for taxation, either by themselves or their agents, in the form aforesaid, with the clerks of the court of common pleas in and for the county within which the same shall be situate, on or before the first Monday of June next; and it shall be the duty of each clerk of the court of common pleas, to make out two alphabetical lists of all lands so entered with him; one whereof he shall retain in his own possession, together with the original entry; the other shall be, by him, delivered, with a general alphabetical list of all returns to him made by the several township listers within the county, to the commissioners of the county, by the second Monday in June, annually. Non-residents shall enter their lands for taxation.

SEC. 6. That the clerks of the several courts of common pleas, shall, on or before the first day in August, on which day the tax shall become due, annually, make out a general alphabetical list of taxation in the manner following: first, a list of non-residents' lands; second, a list of residents' lands; from which general list, they shall make out two duplicates, one to be delivered to the collector, the other to be transmitted to the state auditor, both whereof shall be certified by the clerks Lists of land for taxation to be made.

respectively, under the county seal, to be accurate copies of the general list in his office.

Sheriffs to be collectors.

SEC. 7. That the sheriff of each county shall be the collector thereof, and before he receives the duplicate above directed, he shall enter into bond, with at least two sufficient freehold securities, in double the amount of the tax by him so to be collected, payable to the auditor of public accounts, for the use of the state, conditioned for the due and faithful paying and accounting for all taxes that is made his duty to have collected; which bond shall be filed with the clerk of the court of common pleas; and if the sheriff of any county shall neglect or refuse to give such bond as aforesaid, on or before the first Monday of August, annually, a collector of the tax shall be appointed by the commissioners, or any two of them; who shall continue in office for one year, and such collector shall, before he enters upon the duties of his office, enter into bond as aforesaid.

Lands when and how sold for taxes.

SEC. 10. That if the proprietor or proprietors of any tract of land charged with taxes, shall have neglected to pay to the collector, or the collector shall not have collected the same, by distress, on or before the said first Monday of December, annually, after the tax shall have become due, and thereafter shall have neglected to pay the said tax so due, together with the penalty of twenty-five per centum, on or before the first Monday of April next after such tax shall have become due, then the collector, in such case, is hereby required to proceed and sell, at public sale, at the court-house in his county, so much of each tract of land charged with taxes, as will satisfy the amount of the tax and penalty as aforesaid; and the collector, before any sale, shall advertise the time and place of such sale, thirty days, at the door of the court-house, and also at five other public places in the county; and the collector shall deliver to the purchaser, a certificate of the quantity of land sold, describing therein the tract that was charged with the tax; which part so sold, shall be taken, as nearly as may be, in a square, and bound on one or other of the lines of the original survey, having regard to such lands, if any, as may have been sold out of said tract for taxes, and a designation of the part so sold, shall be made at the time of sale.

Collectors not to be purchasers.

SEC. 11. That when any tract of land, or part thereof, shall not sell upon being offered for sale, for want of bidders, and the tax on the same not being paid, it shall be the duty of the collector to deliver to the auditor a transcript of such land, not sold as aforesaid, within thirty days after such sale, under the penalty of fifty dollars, to be recovered at the suit of the auditor, in any court having jurisdiction thereof, within this state, for the use of the state; and no collector shall directly or indirectly purchase, nor be in any wise con-

cerned in the purchase of any lands sold for the payment of taxes.

SEC. 13. That the surveyor of the county, upon the receipt of the collector's certificate, shall, by himself or his deputy, proceed to survey the quantity of land agreeable to the said certificate, and charge the expense of making such survey and plat to the purchaser, or his assigns; and upon the plat and certificate of survey being presented to the collector, it shall be his duty to convey the same to the purchaser or his assigns, by deed, in due form of law executed; which conveyance shall vest in the purchaser or his assigns, all the right, title and interest of the late proprietor, and in consideration of law shall also vest the possession of the land so deeded, in the purchaser or his assigns; but any collector may convey any lot or tract of land sold for taxes, without having the same surveyed, when the whole lot is sold: *Provided*, That nothing herein contained shall extend to bar the right or equity of redemption, which any infant person, *non compos mentis*, or in captivity, may have in the land so sold: *Provided*, The taxes and charges thereon, with interest, and an equitable compensation for improvements thereon made, taking into view the rent that might arise therefrom, be tendered within one year after such disability be removed.

SEC. 14. That it shall be the duty of the collectors of the several counties, when they make sale of any land for the payment of taxes, to make a fair record of the purchaser's name, the quantity sold, with a description thereof, the name of the person, the tax stood charged, with the amount of the tax and costs, and the day and year of the sale, and the year for which the tax was levied; which record he shall subscribe and lodge in the office of the clerk of the court of common pleas, within fifteen days after any sale made, under the penalty of one hundred dollars, to be recovered by indictment, in any court of record in this state; and it shall be the duty of the clerk to receive and preserve such record, and to transfer said land to the purchaser, for the purposes of taxation.

SEC. 15. That no tract of land that is listed agreeable to this act, shall be again listed, but shall stand charged to the person for whom it was listed, unless the person so charged shall sell or dispose of the whole or any part of the land so listed, then if he or the person or persons purchasing or obtaining such land, shall have a transfer made with the clerk of the court of common pleas, in the proper county, the clerks respectively are hereby authorized to list the land in the name of the person or persons to whom sold, and such person shall be chargeable with the tax of such land or lands thereafter: *Provided*, That no transfer shall take place, so as to exempt any person from paying the whole amount of taxes

How land sold for taxes shall be surveyed.

Collector to convey.

Proviso.

Proviso.

Collectors to make a record of sale, &c.

Lands to stand charged as listed.

When sold, purchasers to make transfer.

Proviso.

due upon all or any lands listed, after the tax bill shall have been made out for that year.

Penalty on persons giving a false list.

Commissioners duty.

Auditors duty.

Land to be listed and charged with a penalty.

The state has a perpetual lien for taxes.

Mistakes in taxing lands how rectified.

SEC. 16. That any person failing to give in his or her list, agreeably to the provisions of this act, or giving in a false list, or who shall, in such list, class his or her lands as being of a quality inferior to their real quality, such person shall be subject to a tax equal to double the amount of the tax for that year, on lands of like quality; which tax shall be annexed to his or her list, by the commissioners of the county in which such lands are or ought to have been entered for taxation, or by the auditor, if the lands lie within the Virginia Military Tract, and a copy of the same forwarded by the auditor to the collector of the tax on the said Virginia Military Lands, or by the commissioners to the auditor and the collector of the proper county, as the case may require; which collectors, respectively, shall be charged on the auditor's books, with the amount of such tax.

SEC. 17. That in all cases where lands shall be listed for taxation for the year one thousand eight hundred and four, which have not been entered nor taxed for the four preceding years, and were liable and subject thereto, it shall be the duty of the auditor, when he makes out the duplicates for the Virginia Military District, and clerks when they make out the general alphabetical lists for the year one thousand eight hundred and four, to add to the tax, a sum equal to the taxes due on each respective tract, for the four years, or such part thereof as such land shall have been subject to taxation, and twenty-five per centum damages, yearly, on the taxes so in arrears.

SEC. 18. That the state shall have a perpetual lien on every tract of land, and every part thereof, for the full amount of all taxes, penalties and interest, that have become due, and all that may hereafter become due thereon; and no alienation of lands, or neglect in entering or listing, shall in any wise destroy the claim or lien of the state; and the land shall be liable to be sold, at any time, for the taxes, penalties and interest due thereon, in whomsoever the title of the same shall be found.

SEC. 19. That when any person thinks any tract or tracts of land, belonging to him or her, are improperly classed or the land twice listed, it shall be lawful for such person, upon application to the commissioners of the county where such land may be situate and making due proof of the same, to have the same rectified, and the proper class of such tract or tracts ascertained or error corrected, and such alterations as shall be made by the commissioners, shall be certified by the clerk of the commissioners to the clerks of the courts of common pleas in the respective counties, and to the collectors and the auditor, and they shall be governed accordingly.

SEC. 20. That the clerks of the courts of common pleas or listers, shall not list any lands for taxation which have been purchased from the United States, from and after the thirtieth day of June, one thousand eight hundred and two, until the same shall have been purchased five years, when they shall be subject to taxation; and all other lands purchased from the United States prior to that period, shall be subject to taxation and listed accordingly.

Lands sold by the United States exempt from taxes for five years.

SEC. 22. That the collector of taxes in the Virginia Military District, and the collectors of the several counties shall, and it is hereby made their duties respectively, to make deeds to the purchaser or his assigns, of all the lands heretofore sold for taxes (that have not been already deeded) and in case of the death of any purchaser, to his or their legal representative, in the same manner as their predecessors were authorized to do upon receiving the certificate and plat from the county surveyor.

Collectors to make deeds for lands heretofore sold.

SEC. 23. That all non-residents' lands, lying between the Scioto and Little Miami rivers, called the Virginia Military Lands, shall be one district, and shall be under the direction of the auditor, of public accounts; and all entries and transfers shall be made with the auditor, specifying the number of entry, number of warrant, rates, when entered, to whom transferred, water course and county, if within their knowledge; and the auditor shall make out two alphabetical duplicates * * * one of which he shall deliver to the collector of the taxes for said district, on or before the first Monday of August, and the other he shall retain in his office.

The V. M. Tract declared a district.

Auditor to make lists.

SEC. 24. That the rule to be observed in entering or listing the lands commonly called the Virginia army lands, for taxation, shall be to enter or list all lands held by patent, deed, survey or entry, and if by entry only, the lands shall not be sold until the same shall be surveyed and a return thereof be made: the state shall nevertheless hold a lien on all such lands, and if the same shall be removed from the lands so entered on, when listed for taxation, whenever the same shall be removed, the lien of the state shall follow the warrant; and after survey and return as aforesaid, so much thereof shall be sold as will satisfy all arrears of taxes, interest, costs and damages, which shall have accrued thereon, prior to such survey.

Land in V. M. Tract how listed.

SEC. 26. That a collector of the taxes on the lands of non-resident proprietors, in the Virginia Military Tract, shall be appointed by the governor, to continue in office, for one year, and shall reside in the town of Chillicothe, who shall give bond, in double the sum by him to be collected, in the manner as required of county collectors, and shall be subject to the same penalties and duties as other collectors, and shall be proceeded against in the same manner, if he shall be de-

A collector to be appointed.

linquent in the payment of the taxes by him to be collected, and shall conduct himself in his office in every respect as other collectors are by this act directed to conduct themselves, except as hereafter directed; and the said collector shall receive on all monies by him collected, four per cent. as his commission for such collection.

Notice to be
given before
sale.

Sales may be
continued.

Proviso.

When collec-
tion shall be
made in V. M.
Tract.

SEC. 27. That the collector for the Virginia Military District shall, before he proceeds to sell any lands for taxes, advertise the day and place of sale, which shall be in the town of Chillicothe, on the first Monday of April, yearly, after the taxes shall have become due, at least six weeks, successively, in the Scioto Gazette; and all collectors of taxes shall have power to continue the sales from day to day, by adjournment, until they shall have alphabetically exposed to sale all lands in their duplicates, that may be liable to be sold; and no collector shall expose to sale any lands but between the hours of nine in the forenoon and four in the afternoon: and the collector shall, within thirty days thereafter, make out and transmit to the auditor of public accounts, a list of all lands by him so sold, stating the quantity and particular part sold out of each tract, together with the names of the purchasers and person to whom the tax stood charged: *Provided*, That the collector of the Virginia Military District, for the year one thousand eight hundred and three, shall make out and transmit to the auditor, by the first day of April next, in the manner and form herein described, a list of all lands by him sold for the taxes, for the year one thousand eight hundred and two.

SEC. 28. That the collector for the Virginia Military District, shall, from and after the first Monday of August, annually, collect and receive all taxes of non-residents, charged with taxes upon his duplicate; and in case payment be not made by the first Monday of December, said collector shall charge all delinquents with a penalty of twenty-five per cent. on the taxes of all delinquents; and it shall be his duty, within ten days thereafter, to make out and deliver to the auditor, a schedule from his duplicate of all the taxes that shall not have been paid by the time aforesaid; and the auditor, on receiving the schedule, shall charge the collector with the said penalty on the amount of all the taxes contained in his schedule.



[Act of February 20, 1805, 3 v. L. O. p. 291.]

An act for the relief of certain land holders.

How lands
may be dis-
charged from
penalties.

SEC. 1. That persons holding lands in this state, subject to taxation in the year one thousand eight hundred and two, or one thousand eight hundred and three, who have had the

same entered in either of those years for taxation in the proper office where such lands have been since classed and entered, by the auditor or other proper person, agreeably to the act levying a state tax, passed the eighteenth of February, one thousand eight hundred and four, the holders of such lands, by coming forward by themselves or agents, at any time before the first day of April next, shall be privileged and have a right to enter such lands in its [their] proper class, and thereupon be released from the twenty-five per centum and other damages incurred by the last mentioned act: *Provided*, Such land holder does, at the same time, pay to *Proviso.* the proper officer, the full amount of taxes due on said land, agreeable to such last entry, but in all cases where taxes have been paid or collected, by virtue of the above recited act, and the owner or owners have been charged with a greater sum than would have been due or payable had their lands been entered by the owner or his agent, agreeable to the provisions of the before recited act; the amount so overcharged shall be deducted out of any taxes that shall, *An over-charge may be deducted.* hereafter, become due, together with six per centum, discount on the amount so overcharged; and persons holding lands as aforesaid, which have been liable and subject to taxation in one thousand eight hundred and two, or one thousand eight hundred and three, agreeably to "An act levying a tax on land for the year one thousand eight hundred and two, and for other purposes," who have not had the same entered for taxation in either of those years, and which have been entered by the auditor or other proper officer for taxation, agreeably to the provisions of the act levying a state tax, passed the eighteenth of February, one thousand eight hundred and four, the holders of such lands, on coming forward before the first day of April, aforesaid, shall, in like manner, be privileged to have the same entered in its [their] proper class, and thereon be released from the twenty-five per centum, and other damages incurred by the last mentioned act: *Provided*, Such land holders do, at the same *Proviso.* time, pay to the proper officer the full amount of taxes due on said land for the year one thousand eight hundred and four, agreeably to the entry last made: *Provided also*, That *Proviso.* the holders of such lands do moreover pay, at the same time, all the taxes due thereon for the year one thousand eight hundred and two, or one thousand eight hundred and three, with the forfeitures and per centage due thereon, in consequence of such tax not being paid agreeable to law.

Sec. 2. That the auditor shall forthwith proceed to make *Parts of tracts not sold to be charged to original holder.* out an abstract of the sales made in November, one thousand eight hundred and three (except so much thereof as have been redeemed) therein charging the purchaser or purchasers with the tract or parts of tracts by them purchased, and deducting in a proper manner the quantity sold from each

original tract, and charging the remaining part to the original holder, in the same class or rate it was placed in at the time of sale, and shall forward a duplicate of the same to the collector, against the first Monday of April next.

Part of an act suspended. SEC. 3. That such parts of the act levying a state tax for the year one thousand eight hundred and four, which come within, and are contrary to the provisions of this act, are hereby suspended until the first day of April next.

Publication. SEC. 4. That this act, shall be published in the Scioto Gazette, with a request that the editors of newspapers throughout the United States publish the same, for the information of persons holding lands in this state.

Effect. SEC. 5. That this act shall be in force from and after the passage thereof.

[*Act of February 22, 1805, 3 v. L. O. p. 236.*]

An act to amend "An act levying a state tax."

Rates of taxation. SEC. 1. That first rate land shall be taxed at the rate of ninety cents, per hundred acres, second rate sixty-five cents, per hundred acres, and third rate forty cents, per hundred acres, and all lands shall be taxed agreeable to the entry that was last made by the owner or agent; and all land that has not been heretofore entered by the owner or agent, shall be entered by the auditor or other proper officer as second rate land and taxed as such: *Provided*, That if any person thinks his land has been entered in an improper class, he may, on application to the proper officer for that purpose either by himself or agent, have his land entered in the class to which it properly belongs.

Collectors of Butler and Muskingum to collect tax for 1804. SEC. 3. That the collectors of the state tax in the counties of Butler and Muskingum, for the present year, are hereby authorized and required, to collect the state tax for the year one thousand eight hundred and four, in the same manner, and under the same regulations, and be subject to the same penalties as directed in the before recited act.

[*Act of January 31, 1807, 5 v. L. O. p. 108.*]

An act directing the mode of redeeming certain land sold for tax.

How *femes covert*, insane persons, &c. may redeem SEC. 1. That when lands have been, or may hereafter be sold for taxes, belonging to any minor, *feme covert*, insane person, or person in captivity, who have the right by law to redeem the same, such person or persons, his, her or their

agent or attorney, shall apply to the auditor of public ac-lands sold for counts, (or other proper officer, who may be legally autho-tax. rized to receive the returns of sales, from the collectors of taxes on lands sold as aforesaid) for a statement, in writing, of the amount of the tax, interest and penalty, for which the land was sold, together with the amount of taxes paid by the purchaser, with the legal interest required by law to be paid for the redemption of such land, and the auditor, or other proper officer shall furnish such statement under his hand and seal, for which he shall have a right to demand and receive twenty cents; and the person or persons, his, her or their agent or attorney so applying, who have had land sold in the Virginia Military District, shall deposit the full Amount to be amount contained on such written statement, with the state deposited. treasurer, and in the other parts of this state, with the treasurer of the county in which the land is situated, who are hereby authorized and required to receive the same, and give a receipt therefor, and forthwith proceed to give notice Notice to be in any two of the public papers printed in this state, therein given. describing the land as it was entered for taxation; for whom it was originally entered, and the quantity in the original tract; in whose name sold; the quantity sold, and to whom; the water course and county, if known therein, also, notifying the purchaser, his, her or their heirs, or assigns, that he, she or they will proceed at the next court of common pleas, held within the county where the land so to be redeemed may be situate, to exhibit proof of his, her or their right of redemption in such lands, and that the amount of the redemption money, has been deposited with the treasurer, as aforesaid, which advertisements shall be inserted six weeks successively, previous to the sitting of said court.

SEC. 2. That the court of common pleas shall, on such Power of C. C. person or persons, his, her or their agent or attorney, pro- P. in the mat- ducing the statement of the auditor or other proper officer, ter. as before required, and the treasurer's receipt for the amount contained therein, proceed to hear the evidence of the claimant and of the purchaser, his heirs or assigns (if he or they attend and desire to be heard) and if upon such examination, it shall appear to the court that the claimant has a legal right to redeem such land, they shall adjudge the same to him, her or them, on paying the amount of damages and costs as required by law, and the clerk of the court shall, thereon, at any time, furnish the purchaser, his heirs or assigns, with a copy of such decision, which shall entitle such person to the money deposited with the treasurer, who shall, thereon, deliver and pay over the same, taking a receipt therefor, which he shall file in his office; and in case any improvements have been made on such land, the court shall (in case the parties cannot agree as to the amount of the improvements) appoint three judicious, disinterested men, to value the said improve-

Improvements to be paid for. ments, under oath or affirmation, and return the same under their hands to the said court, who shall have the same entered on record, and on payment thereof, award to the claimant restitution of the said lands.

How minors, joint owners, may redeem.

SEC. 3. That when lands are claimed by two or more minors, they shall respectively, as either of them attains to lawful age, redeem the same by depositing his or her proportion of the redemption money, as aforesaid.

Effect.

This act shall be in force from and after the passage thereof.

[Act of February 22, 1808, 6 v. L. O. p. 140.]

An act to amend the act levying a state tax.

Land sold for taxes, subject to redemption within one year.

The manner of redemption.

SEC. 1. That if the owner, or owners of any tract of land, which shall hereafter be sold for taxes, under the act, to which this is an amendment, his or her agent, shall within one year from the time of such sale, lodge with the collector the amount of tax and legal costs, and one hundred per cent. damages thereon, then and in that case, the said land shall revert to the original owner, and the collector shall pay over all such money so received to the person or persons who purchased the said lands, at the said sales, if demanded, and if not demanded within six months after it is lodged, as aforesaid, the collector shall pay the same over to the state treasurer, who shall receive it, and pay it over to the purchaser, if demanded within three years, on his producing the certificate of sale, and receipting for the money on the back thereof; and so much thereof as shall not be demanded within the period aforesaid, shall become the property of the state, and the collector shall be entitled to retain for his trouble and to his own proper use, seven per cent. for all monies that he shall receive and pay over under the authority of this section: *Provided*, That the auditor shall charge the purchaser of the said land with the tax of the succeeding year: and every person redeeming land shall pay all taxes due on the same, from the time of sale to the time of redemption, and cause a transfer to be made on the auditor's books.

Proviso.

Residents' lands improperly entered on the non-resident duplicate, how corrected.

SEC. 2. That when any tract of land, the property of a resident proprietor, shall be improperly entered in the non-resident duplicate, it shall be the duty of the clerk of the commissioners of that county, in which the said land shall be situate, on the application of the owner or his agent, to give a certificate stating that the said land is entered for taxation, in the resident duplicate, and on this being delivered to the collector of the district, in which the said land has been improperly

entered, he shall suspend the sale of said land, and on his presenting the said certificate to the auditor, he shall pass the same to the credit of the said collector, and immediately remove the said entry from the non-resident duplicate.

SEC. 3. That the rate of taxation hereafter shall be at the following rates, to wit: first rate land at one hundred cents per hundred acres; second rate at seventy-five cents, per hundred acres, and third rate at fifty cents, per hundred acres. Lands how rated and classed.

This act to take effect, and be in force, from and after the Effect. passage thereof.*

—•—

[Act of February 19, 1810, 8 v. L. O. p. 315.]

An act levying a tax on land.

SEC. 1. That all lands within this state, the property of individuals, not exempted from taxation by any contract between the United States and this state, shall be subject to taxation yearly and every year, and stand charged therewith, to be levied and collected in manner herein after directed. What lands subject to taxation.

SEC. 3. That the different rates of land, as above defined, shall be and remain charged with tax for each and every year, at the following rates, to wit: first rate land, one dollar and twenty-five cents; second rate, one dollar, and third rate, sixty-five cents, each per hundred acres. Rates of taxation.

SEC. 17. That each district collector, immediately after receiving his duplicate as aforesaid, shall advertise the same on the door of his office, and at the door of the court-house for each county within his district, and also in one of the newspapers printed within, or in circulation within his district, setting forth the manner of collection, the time that the tax is required to be paid, and the penalty which will then accrue, if not punctually paid, for which he shall be allowed such compensation as shall appear reasonable, on settlement with the auditor; and after advertising, as aforesaid, he shall proceed to receive all taxes charged on his duplicate, and receipt therefor: and all non-resident proprietors holding lands, within this state, which have heretofore been, or shall hereafter, become subject to taxation, shall, by themselves or agents, pay the full amount of all taxes, penalties and interest, due thereon, to the proper officer, legally authorized, to receive the same, on or before the fifteenth day of December, annually. When taxes shall be paid.

*The act of February 20, 1809, 7 v. p. 149, amends the several acts "levying a state tax," but its provisions extend no further to the land tax than to appropriate a part for county purposes.

Collectors to
return land
delinquent.

When a tract
is returned de-
linquent two
years, auditor
shall omit
sending it out.

Penalty of 100
per cent. to be
hereafter
charged.

Any one joint
owner may
pay his part.

SEC. 18. That in case full payment of all taxes, interest and penalties, is not made to the collector as aforesaid, on any part or tracts of land charged on his duplicate, on or before the last of December, annually; the collector to whom the same ought of right to have been paid, shall make return of all such delinquencies, in a regular manner to the auditor, at the same time he is bound to make his general return; for which such collector shall have a credit on settlement with the auditor; and in making out the duplicate for the succeeding year, the auditor shall charge all such lands, as are by such collector returned delinquent as aforesaid, with all arrearages of tax and interest, together with one hundred per cent. thereon, in addition to the tax which would of course accrue. And if any tract or part of a tract, should be a second time returned delinquent by the collector as aforesaid, the auditor shall record the same in a book provided for that purpose, and shall omit sending it out on the duplicate in future, until the proprietor or his agent shall make full payment into the state treasury, as herein after required.

SEC. 19. That the auditor shall charge all lands returned to his office delinquent as aforesaid, with the tax, penalties and interest due thereon, according to the rate of taxation for each year, under the different laws heretofore in force, for levying a tax on land, from the time such tract become subject to taxation, until paid; and shall, moreover charge all such lands with one hundred per centum on the amount of tax, which may hereafter accrue for each year that the same shall remain unpaid on the last day of December, annually; and that whenever the proprietor of any tract of land on which penalties have or may accrue as aforesaid, either by himself or agent, shall appear for the purpose of paying the same, the auditor shall deliver to him or them a certificate of the amount of tax, interest and penalties due thereon; which certificate shall be delivered to the state treasurer and filed in his office, and the amount of money therein stated, paid to the said treasurer, who shall receive the same, and receipt therefor; which receipt shall be immediately filed with the auditor, who shall charge the treasurer with the amount of such receipt, and shall again place an entry of such tract or tracts of land on the duplicate of the proper district or county, and charge the same with tax as other lands on which the tax has been regularly paid, and make such note or memorandum on the record, as will prevent any further accumulation of penalties, so long as the taxes shall be regularly paid, as required by law.

SEC. 31. That when any tract of land charged with taxes under the provisions of this act, may be owned by two or more persons, the collector shall receive from any person tendering the same, his or her proportion of the tax due

thereon; and each collector shall receipt for all monies by him received in payment of taxes, therein describing in a proper manner each tract or part of a tract, on which the tax has been paid.

SEC. 32. That the state shall have a perpetual lien on every tract of land for the full amount of tax, penalties and interest which has, or may hereafter become due thereon; and no omission, or neglect of entry or ignorance of the law, shall in any wise destroy the claim or lien of the state; and all land shall be liable to be sold for the taxes, interest and penalties due thereon, under the provisions herein after contained; and in all cases, where the auditor cannot ascertain the name or names of the present owner of any tract of land, it shall be sufficient for him to describe a tract or parcel of land, by the number of entry, or range, or township and section, or lots (as the case may be) or any part thereof, with the name of the original proprietor or any other subsequent owner; and no misnomer of the proprietor, shall in any manner affect any sale made for taxes: *Provided*, The tract of land is sufficiently identified. The state has a lien on every tract for tax.

SEC. 33. That where lands may be returned delinquent, and a record made thereof, as described in the eighteenth section of this act, the auditor shall, at the expiration of three years thereafter, (if the tax, interest and penalties with which such tract may stand chargeable is not paid) make out an accurate list of all such lands, particularly describing each tract or part of a tract by its number of entry or range, township and section or lot, as it appears on record, and annex to each tract or part of a tract the tax, interest and penalties due thereon, and transmit the same to the collector of the proper district, at the time he forwards the duplicate for the other lands; and on receiving the list transmitted as aforesaid, the collector shall advertise the same in at least one of the newspapers printed or in circulation within his district, and also at the door of the court-house in each county within such district; in which advertisements, each tract or part of tract shall be described as in the list containing the same, with the amount of tax, interest and penalties with which it stands chargeable, as also the time of sale, in case the amount due thereon is not previously paid to the proper officer; and if the full amount due to the state, is not paid as required by this section, before the first Monday of December thereafter, the collector shall proceed to sell to the highest bidder, so much of each tract which shall then remain delinquent, as will pay the tax, penalty and interest due thereon, and shall continue the sale from day to day, until all the land contained on his list is sold, or offered for sale; but in no case shall any tract of land be sold for less than the full amount due to the state, with all costs of sale; and when a tract of land is offered for sale, by virtue of this act, the Lands to be sold for tax.
Notice to be given.
Manner of sale.

collector offering the same shall always, previous to his receiving a bid, designate from what part of the tract the same is to be surveyed, and at all subsequent sales under this act, the lands to be sold shall be adjoining any tract or tracts previously sold.

Who shall not
be purchasers.

SEC. 34. That it shall not be lawful for the auditor, crier, or any district collector, or other person for their use, to purchase any land sold for taxes under the provisions of this act; and in case they, or either of them should so offend, the person so offending shall, on conviction thereof before any court having competent jurisdiction, forfeit and pay any sum not exceeding three hundred dollars, for the use of the state, and all such sales shall be void.

How tenants
in common
may pay tax.

SEC. 35. That when any tract of land is held by two or more claimants, as tenants in common or otherwise, and either of them shall fail to pay his proportion of the taxes, penalties and interest due thereon, as required by this act, the share, part or proportion belonging to such delinquent or delinquents, shall be sold for the taxes, penalties and interest due thereon, in the same manner as other lands are under this act; and the purchaser or his assignee may, at any time thereafter, make application to the proper court, in all respects, as described by the act providing for the partition of real estates, for the purpose of having the portion or part of such delinquents set off, and the court and all officers concerned in carrying into effect the aforesaid act, shall proceed in all respects as if such delinquent had himself appeared before the court for that purpose, and after such division or partition has been made, the purchaser under this act, shall take his purchase or quantity to him sold for taxes, out of the portion of land set off to such delinquent as aforesaid, in the same manner as though it had been set off previous to such sale.

Book of sales
to be kept.

SEC. 36. That the collector shall keep fair and accurate minutes of all sales by him made under the provisions of this act, setting forth the amount of such sale, and the name of the purchaser, (if sold) together with the place of his residence, which shall be returned to the auditor, by such collector, at the time he is bound to make his general return; and the collector and his securities shall stand charged with, and pay over all monies arising from such sale, at the same time and in the same manner as he or they are bound to do, in case of other monies, under the provisions of this act.

Collector to
make a deed.

SEC. 37. That if the whole tract, as contained in the original survey, should become subject to sale, and actually sold, the collector making sale as aforesaid shall, after receiving the purchase money, make a deed of conveyance therefor to the purchaser, for which he may demand from such purchaser the sum of seventy-five cents, and in which he shall convey all the right, title, interest and claim of all prior claimants.

SEC. 38. That where any part of a tract or survey shall be sold under the provision of this act, the collector making such sale shall, after receiving the purchase money, give to the purchaser a certificate of such sale, directed to the surveyor of the proper county, requiring him to survey and lay off by metes and bounds, the quantity of acres sold, having regard to include that part only which is in arrears for taxes, and subjected to a sale under the provisions of this act, which survey shall be correctly made out and certified and signed, by the proper surveyor, and by him transmitted to the collector who issued the same, or to his successor in office, who shall make a deed of conveyance thereon to the purchaser or his assignee, subject, however, to all the provisions contained in the preceding section of this act.

To give certificate to purchasers.

Surveyor's duty.

SEC. 40. That when any tract of land shall be offered for sale, agreeable to this act, and not sold for want of bidders, the collector shall make return thereof to the auditor, as in case of other delinquencies, for which he shall have a credit on settlement with the auditor; and all lands returned by the collector, not sold for want of bidders as aforesaid, shall thenceforth become the property of the state; subject, however, to be redeemed by the owner or his lawful attorney, at any time within one year after such return is made.

Lands which will not sell are forfeited to the state, subject to redemption

SEC. 41. That if any land shall be sold for taxes, under this act, the property of any minor, *feme covert*, insane person, or persons in captivity, such person or persons shall have his, her or their possessions restored, on his, her or their complying with all the requisitions of the act directing the mode of redeeming certain lands sold for taxes, and commencing the legal course, as directed under the aforesaid act, within one year after such disability shall be removed.

Femes covert &c. may redeem.

SEC. 43. That if any collector of tax on lands of non-residents, shall fail to pay over all monies wherewith he may stand charged, agreeably to law, or fail to make his regular return and settlement as by this act required, the auditor is hereby required, at any time after the expiration of fifteen days from the time he is bound to make his general returns, to make out an accurate account of the sum due from each delinquent district collector, and transmit the same to the clerk of the court of common pleas of the proper county wherein such collector may reside, accompanied with the bond given by such collector and his securities, who shall immediately, on the receipt thereof, issue a summons to the sheriff or other proper officer, commanding him to notify the collector and his securities to appear, at the succeeding term of the court, and shew cause (if any there be) why trial and judgment shall not be then had against them, at the suit of the auditor; and unless it shall be made to appear, on legal evidence, that right and justice cannot be then administered, such court shall immediately order such cause for trial; and

Collectors failing to pay, shall be proceeded against in a summary manner.

Execution
shall issue.

Property not
to be valued or
extended.

Non-residents
to relist their
lands.

if it shall appear that any money is due from the collector, either to the state or any county therein, or that he has not complied with the duties enjoined on him by this act, judgment shall be forthwith rendered up against him and his securities for the amount so due, with interest and legal costs, and ten per centum penalty, from which there shall be no appeal, but execution shall immediately issue thereon, against the goods, chattels and real estate of such collector and his securities jointly, and the sheriff or other proper officer shall levy on the said goods, chattels and real estate, and advertise the time and place of sale for twenty days previous thereto, and shall then proceed to sell, at public vendue, to the highest bidder, the whole or so much of said property, as will satisfy the said execution with interest, penalty and legal costs, in which case there shall be no valuation or extension of real estate; and the sheriff levying such execution shall, within twenty days after the day of such sale, pay the sum so collected into the state or county treasury, or a part into each, as the same shall be due, agreeably to the apportionment certified by the auditor, and take the treasurer's receipt for the same, and shall settle with the auditor in the same manner as collectors are bound to do by this act, and shall be allowed the same travelling fees as otherwise would have been payable to the collector.

SEC. 48. That each and every non-resident proprietor of land lying within this state shall, within one year after the taking effect of this act, come forward to the auditor or to the collector in whose district such land may be situated, either by himself or agent, and re-list all his, her or their lands, by particularly describing each tract or part of a tract, by its proper number of entry, range, township, section, lot or grant; and with respect to its quality, it shall be classed, in every respect, according to the true intent and meaning of the second section of this act; which list shall be given under the oath or affirmation of the proprietor or his agent, which oath or affirmation the auditor and district collectors are severally empowered and required to administer; and in all cases where the proprietor of any land, as aforesaid, shall fail to appear, either by himself or agent, and re-list his, her or their land as aforesaid, or shall neglect or refuse to make oath or affirmation to such list, as required by this act, or otherwise establish the rate of said land, to the satisfaction of the auditor or collector, and the auditor shall charge all such land as second rate, and as such shall stand charged, until it shall be made appear, under oath or affirmation, that it is placed in a class superior to its real quality.

SEC. 50. That for the levying a tax on resident proprietors' land, for the year one thousand eight hundred and ten, all such proprietors shall enter their lands with the township

lister, at the same time such listers are taking the list of taxable property for county purposes, for that year, describing each tract or part of tract, in the same manner as is required by the fourth section of this act, which lister shall make return thereof to the county commissioners on or before the first Monday of June next; from which list the county commissioners shall make out the duplicates of residents' tax for their respective counties, agreeably to the rule of taxation mentioned in the third section of this act, and shall cause the same to be collected and paid over to the district collector, in the same manner as is directed by the tenth section of this act, and shall, moreover, make out a certified copy of such duplicates, signed by at least two of such commissioners, and transmit the same to the auditor's office, on or before the first day of August next, and the auditor shall examine, and if necessary, correct the same, and cause a record to be made thereof in his office.

SEC. 52. That the "act levying a state tax," passed on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and six, and all such acts as are mentioned in the thirty-fifth section of that act, together with the "act to amend the act levying a state tax," passed on the twenty-second day of February, in the year of our Lord one thousand eight hundred and eight, and the "act to amend the several acts levying a state tax," passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and nine, shall be, and the same are hereby repealed: *Provided*, That all fines, forfeitures, penalties and interest due, and owing under the provisions or requisitions of either of the above recited acts, or those referred to as above, shall be collected and paid over to the proper officer authorized to receive the same; and all suits or prosecutions commenced under the provisions therein contained, shall be prosecuted to final judgment and execution, in the same manner as though this act had not passed; and all persons having the right of redeeming lands, heretofore sold for taxes, under the provisions of either of the aforesaid acts, shall have the same right of redemption as though this act had not passed.

This act shall take effect, and be in force, from and after the passing thereof.

[Act of January 1, 1811, 9 v. L. O. p. 3.]

An act supplementary to the act levying a tax on land.

SEC. 1. That the district collectors, for the time being, shall make deeds to the purchaser or purchasers, his or their heirs or assigns, for all lands heretofore sold for taxes within their

Collectors to
make deeds
for lands here-
tofore sold.

Proviso.

respective districts, which have not been conveyed in the same manner, and under the like restrictions, as the collector, who made the sale, might have done under the law authorizing such sale; and for every such deed or conveyance he shall be entitled to receive seventy-five cents: *Provided*, That all deeds and conveyances of land made by the district collectors, from and after the nineteenth day of February last, for land sold for the non-payment of taxes previous to the passage of this act, be, and they hereby are made and declared as good and valid in law, to all intents and purposes, in the same manner as if the act, entitled "An act levying a state tax," passed the twenty-seventh day of January, A. D. one thousand eight hundred and six, had not been repealed.

[Act of February 7, 1814, 12 v. L. O. p. 92.]

An act supplementary to the act levying a tax on land.

Rates.

SEC. 1. That the tax for the year one thousand eight hundred and fourteen, on all lands heretofore subject, or becoming subject to taxation by the laws of this state, heretofore in force, shall be as follows: on all first rate land, two dollars for each hundred acres; on all second rate land, one dollar and fifty cents, for each hundred acres; and on all third rate land, one dollar for each hundred acres, agreeably to the classification made under the act levying a tax on land.

Congress
lands sold,
how to be rat-
ed.

SEC. 2. That for the year one thousand eight hundred and fourteen, there shall be assessed on all land sold by the United States within five years preceding the first day of January in the year last mentioned, the following tax, to wit: on all first rate land, one dollar and twenty-five cents, for each hundred acres; on all second rate land, one dollar, for each hundred acres; and on all third rate land, sixty-five cents, for each hundred acres.

Lister's duty.

SEC. 3. That the listers of the several townships within this state, shall, between the tenth day of April and the tenth day of May in the present year, go to the dwelling of every person within his township, who is a proprietor of land purchased of the United States within five years last preceding the first day of January in the present year, and take from each of such proprietors, a list of all the lands that such proprietor may own within the state, purchased of the United States, within the period aforesaid; which list shall be reduced to writing, and the proprietor's name subscribed thereto, particularly setting forth the present owner's name, the original purchaser's name (when transfers have been made) the quantity of acres then listed, and the rate of each tract, the number

of the range, township and section, in which such land is situated, and a description of the parts of sections listed, and the county in which such tract of land is situated, and in taking such list, the lister is hereby empowered and required to administer to each person from whom he may receive the same, the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that the lands mentioned in the list now exhibited, is all the land you own within the state of Ohio, purchased from the United States, within five years preceding the first day of January last, and that the same is classed agreeably to the true quality of said land: *Provided*, That in all cases where any person shall enter his or her land as first rate, he or she shall not be qualified as to the rate of such land."

Oath to be administered.

Proviso.

SEC. 4. That if any person owning land required by this act, to be listed, shall neglect or refuse to list the same in the manner before provided, it shall be the duty of the lister in all such cases, to make a list of the same, according to the best information he may be able to obtain, and to make a separate return thereof; and all land so returned, shall be charged as first rate, and with a double tax.

Double tax to be charged on those who refuse to list.

SEC. 5. That the several listers shall, on or before the fifteenth day of May next, return to the clerk of the commissioners of their county, all the lists by them taken under the provisions of this act: and such clerks shall each make out two accurate alphabetical abstracts of the lists to them returned, one copy of which, together with the original lists, shall be deposited with the commissioners of their county, and the other, signed by at least two of the commissioners, shall, on or before the first day of July next, be transmitted by the clerk making the same to the auditor's office; and the auditor shall record the same and charge the proper county with the amount thereof, according to the provisions of the eighth section of the act to which this act is supplementary.

Listers to make return.

SEC. 6. That the commissioners of the several counties shall subjoin to the annual duplicates by them made out, alphabetical duplicates of the land listed for taxation under the provisions of this act, with the amount of tax calculated thereon, and the same shall be placed in the hands of the collectors, and be by them collected and accounted for as other taxes are collected and accounted for.

Commissioners duty.

SEC. 7. That the commissioners of each county, shall make such allowance to the several listers within their county, and to their clerk for services to be rendered under the provisions of this act, as such commissioners shall judge reasonable; and all such allowances shall be paid by orders on the county treasurer.

Commissioners to compensate listers.

SEC. 8. That the auditor, after procuring from the different land offices abstracts of the land subjected to taxation by the second section of this act, and after also receiving the du-

Auditor's duty in listing lands.

plicates of residents subject to taxation as aforesaid, from the commissioners of the several counties, shall proceed to compare the same with the abstracts of entries received from the different land offices as aforesaid; and each tract or part of a tract which he shall find charged to a resident proprietor, he shall deduct from the proper abstract: but every tract which he shall not find charged to any proprietor resident within the state, he shall presume to be the property of a non-resident, and shall subjoin an alphabetical list of all such tracts lying within each district, charged with the amount of tax, calculated at the rate specified in the second section of this act, as second rate land, to the annual duplicate to be delivered to the non-resident collector within whose district they lie, to be, by him, collected and paid over with the other taxes of this present year.

Appropriated. SEC. 9. That two ninths of the tax arising from land subjected to taxation by the provisions of this act, after deducting all defalcations and expenses, shall be appropriated and paid over for county purposes, in the manner provided by the twentieth section of the act to which this act is supplementary, and which sum shall be in lieu of the appropriation heretofore made for county purposes.

—♦—

[*Act of December 26, 1814, 13 v. L. O. p. 34.*]

An act altering the time for the county commissioners to make out their duplicates of resident land tax for the year 1815.

Commissioners to have time to make duplicates. SEC. 1. That the commissioners of the respective counties shall not commence making out their duplicates of resident land tax, until the first Monday in February, eighteen hundred and fifteen, any law to the contrary notwithstanding.

Notice to be given. SEC. 2. That the auditor shall give immediate notice of this act to the commissioners of the respective counties, who shall govern themselves accordingly.

Continuation. This act to take effect from and after the passage thereof, and shall be in force until the first Monday in December next, and no longer.

—♦—

[*Act of January 28, 1815, 13 v. L. O. p. 105.*]

An act to extend the time for the county commissioners to make out their duplicates of resident land tax for the year 1815.

Commissioners have further time to make out duplicates. SEC. 1. That the commissioners of the respective counties, shall not commence making their duplicates of resident land tax, until the first Monday of March, eighteen hundred and fifteen, any former law to the contrary notwithstanding.

SEC. 2. That the auditor shall give notice of this act to Auditor to the commissioners of the respective counties, on or before give notice. the first Monday of March next, who shall govern themselves accordingly.

SEC. 3. That the act, entitled "An act altering the time Acts repealed. for the county commissioners to make out their duplicates of resident land tax, for the year eighteen hundred and fifteen," passed the twenty-sixth day of December, eighteen hundred and fourteen, be, and the same is hereby, repealed.

This act to take effect from and after the passage thereof, Effect and and shall continue in force until the first Monday of Decem- continuation. ber next and no longer.

[Act of February 15, 1815, 13 v. L. O. p. 298.]

An act to amend the act, entitled "An act levying a tax on land."

SEC. 3. That where any proprietor of lands, now a resi- Penalties re- dent of this state, shall have purchased land from a non- mitted. resident proprietor, since the first day of December, 1810, the taxes upon which have been regularly paid, up to the time of making such purchase, or where the lands of any resident proprietor have become subject to taxation since the said first day of December, 1810, and such lands in either of the before mentioned cases now stand charged with taxes, penalties and interest as non-resident land, all such penalties shall be and the same are hereby remitted: Pro- Proviso. vided, That the proprietor of such lands shall, on or before the first day of January next, satisfy the auditor that he has duly entered such land for taxation, according to the provisions of this act, and shall moreover pay into the state treasury the whole amount of arrearages of taxes due thereon, together with legal interest upon the same.

SEC. 4. That the sale of all lands, which, by the laws Sale of lands now in force, would be exposed to sale for the taxes, penal- for taxes post- ties and interest thereon, on the first Monday of December, poned. 1815, shall be, and the same is hereby postponed, until the first Monday of December, 1816.

SEC. 5. That all land subject to taxation, within this Rates of tax- state, shall be charged with a tax for the year eighteen hun- ation for 1815. dred and fifteen, at the following rates, to wit: first rate land, three dollars and sixty cents; second rate land, two dollars and sixty-eight and three-fourth cents; third rate land, one dollar and seventy-eight cents, each, per hundred acres, to be paid in the same manner, and subject to the same penalties, as is provided by the law to which this act is an amendment, for the taxes thereby assessed upon lands.

[*Act of January 27, 1806, 4 v. L. O. p. 74.*]

An act levying a state tax.

Lands subject
to taxation.

SEC. 1. That all lands within this state, the property of individuals, not exempt from taxation by a contract between the United States and this state, shall be subject to taxation yearly and every year, and stand charged therewith, to be collected and levied in the manner herein after directed.

How rated
and classed.

SEC. 2. That all lands shall be rated and classed in the manner following: that is to say, first, second and third rates, and the rule to be observed is, that when a greater part of of any tract shall be superior in quality to second rate land, it shall be denominated first rate; when a greater part of a tract shall be inferior in quality to first rate and superior to third rate, it shall be denominated second rate, and when a greater part of a tract shall be inferior to second rate, it shall be denominated third rate land; taking into view the situation and the quality of the soil: first rate land, shall be taxed at the rate of ninety cents, second rate, sixty-five cents, and third rate, forty cents, each, per hundred acres.

Lands may be
sold.

SEC. 14. That the district collectors, at their respective offices, shall proceed on the first Monday of December annually, to sell so much of each tract of land within his district, on which the tax have not, at that time, been paid, as will satisfy the same, and continue the same from day to day, until all such land is sold, or offered for sale; and in all cases the collector shall set up the whole tract, and the person or persons who will pay the tax and interest due on the same, for the smallest quantity thereof, shall be the purchaser, and the collector shall give the purchaser a certificate for the tract, or part of tract so purchased.

Purchaser to
receive a cer-
tificate.

Record of sale
to be made.

SEC. 15. That each district, county or township collector, shall, when they make sale of any land for the payment of taxes, make a fair record thereof, describing the purchaser's name, the quantity sold, and in all other respects shall describe the same as near that of the auditor's duplicate as the nature of the case will admit; which record he shall certify and subscribe, and transmit the same to the auditor's office within one month from the date of such sales; and the auditor shall receive and preserve such record, and transfer the land so sold to the purchaser, for the purpose of taxation.

Lands impro-
perly sold, mo-
ney may be
refunded.

SEC. 16. That in all cases where lands have, or may be sold for taxes supposed to be due and owing thereon, and due proof shall afterwards be made to the satisfaction of the auditor, that the tax thus supposed to be due had been regularly paid to the proper officer authorized by law to receive the same, the state treasurer shall, on the order of the auditor, refund or pay over the amount of money with lawful interest,

thus improperly received, as also all taxes otherwise improperly paid and received by the proper officer, to the person thus legally claiming the same.

SEC. 17. That if any lands shall be sold for taxes as aforesaid, the property of any minor, *feme covert*, insane person, or person in captivity, such person or persons shall have his, her or their possessions restored, on paying to the purchaser or owner the full amount of the tax, interest and penalties due thereon, with the value of the improvement which shall be made thereon (if any) within one year after such disability shall be removed. Rights of infants, &c. saved.

SEC. 20. That the state shall have a perpetual lien on every tract of land for the full amount of taxes, penalties and interest that hereafter may become due thereon; and no omission or neglect of entry shall in any wise destroy the claim or lien of the state, and the land shall be liable to be sold for the taxes, penalties and interest thereon: and in all cases where the auditor cannot ascertain the name or names of the present owner, it shall be sufficient for him to describe a tract or parcel of land, by the number of entry or lot, and the range, township, section or part of section, and the name of the original grantee, proprietor or purchaser. State has a lien for taxes.

SEC. 21. That the collector of each county or township shall, from and after the first Monday of August, annually, collect and receive from every person all taxes wherewith they may be charged upon his duplicate; and in case payment be not made by the first Monday of November next after such tax shall become due, the collectors shall forthwith proceed to distrain the goods or chattels of such delinquent or delinquents (except he is specially directed by the person or persons so charged, to sell any tract or tracts of land for the taxes due thereon) having first made a personal demand of the same; and if the owner thereof shall not pay the taxes within ten days after such distress is made, the collector shall sell the same, or so much thereof as will be sufficient to discharge said taxes and the charges of such distress and sale, and the overplus (if any there be) he shall return to the owner or owners; but if goods and chattels cannot be found to distrain, and the taxes so due shall not be paid by the first Monday of December next after the tax shall have become due, the collector shall proceed to sell said land, or so much of each tract as will discharge the tax and interest due thereon, and shall conduct the sales and conveyances in the same manner as is directed in case of collectors of non-residents' lands, which shall be at the court-house or place of holding the court in said county, and shall be good and valid in all cases where the taxes have not been actually paid, except such cases as is [are] described in the eighteenth section of this act. Collectors may distrain for tax.

Tax not paid
land may be
sold.

Joint owners
may pay a
part.

Collectors to
make deeds

Proviso.

Acts repealed.

SEC. 22. That all collectors shall, on receiving any audited bills, endorse thereon "redeemed," with the date of redemption, from which time all interest thereon shall cease.

SEC. 23. That when any tract of land charged with tax in any duplicate as foresaid, may be owned by two or more persons, the collector shall receive from any person tendering the same, his or her proportion of the tax due thereon; and each collector shall receipt for all money by him received in payment of taxes, therein describing, in a proper manner, each tract or part of a tract, on which the tax has been so paid.

SEC. 24. That the collectors of the several counties or townships and collection districts, shall respectively make deeds to the purchaser or purchasers, his or their assigns, for all lands that have heretofore been sold for taxes, (that have not been deeded) or shall hereafter be sold for taxes; and in case of the death of any purchaser or purchasers, then to his or their legal representatives, in the same manner as the collectors were authorized to do who made the sale (upon the purchaser or their representatives presenting the plat and certificate of survey from the county surveyor) and for every such deed, the collector shall be entitled to receive seventy-five cents, from the person receiving the same: *Provided*, That when a whole tract or lot shall be sold for tax, and the same has been surveyed, or the boundaries ascertained so that it can be described, the collector shall make a deed without causing it to be resurveyed.

SEC. 35. That the act levying a state tax, passed the eighteenth day of February, in the year of our Lord, one thousand eight hundred and four, and the act amendatory thereto, passed the twenty-second day of February, in the year of our Lord, one thousand eight hundred and five, be, and the same are hereby, repealed: *Provided*, That all taxes, fines, forfeitures and penalties due and owing under the provisions of either of the above recited acts, shall be collected and paid over to the proper officer therein authorized to receive the same; and all suits and prosecutions entered under the provisions therein contained, shall be prosecuted to final judgment and execution, in the same manner as though this act had not been passed.



[Act of January 27, 1806, 4 v. L. O. p. 62.]

An act authorizing the collector of Washington county, to pay certain monies to the treasury of Gallia county, and for other purposes.

Delinquent
list of Wash-
ington to be
sent to Gallia.

SEC. 2. That the auditor shall, before the first day of June next, make out a copy of the schedule returned by the collector of Washington county, for the year 1803, of non-resi-

dent delinquents within the county of Gallia, and transmit the same to the clerk of the court of common pleas, for Gallia county, and the clerk shall transcribe the same into the duplicate for the present year.

This act to be in force from and after the passing thereof. Effect.



[Act of February 21, 1812, 10 v. L. O. p. 156.]

An act to amend an act, entitled "An act directing the mode of redeeming certain lands sold for tax."

SEC. 1. That when any person who may have purchased any land sold for the non-payment of taxes, or his, her, or their heirs, assigns, or legal representatives, who shall hold the collector's certificate of such sale, or the collector's deed or any conveyance made therefrom, shall call on the state treasurer, or treasurer of any county, for any money deposited for the redemption of such tract of land, or any part thereof; the person so applying shall, if the money has been deposited for the redemption of the whole tract so purchased or sold, deliver to the treasurer the collector's certificate, deed, or conveyance made therefrom as aforesaid, who shall endorse thereon, "redeemed" and take a receipt for the money so paid, which he shall file with such certificate, deed or conveyance, in his office; but if the money should be deposited for the redemption of a part only of any tract of land sold for the non-payment of taxes as aforesaid, the person holding such certificate of sale, deed or conveyance, shall, on application for the money, present such certificate, deed, or conveyance, to the treasurer, who shall endorse thereon, the quantity redeemed, and at all times before the whole thereof is redeemed, return such certificate, deed, or conveyance, to the person who presents the same, taking his receipt for the money paid on the same, which receipt the treasurer shall file in his office.

Persons holding certificate or deed to deposit same when he draws the money.

Treasurer's duty.

SEC. 2. That where the deed of the collector, or of any other person deriving title therefrom, has been recorded in the recorder's office of the proper county, and the proprietor or proprietors thereof, has or have proven himself, herself, or themselves entitled to the right of redemption, agreeably to the provisions of the act under which such land may have been or hereafter may be sold for the non-payment of tax, or agreeable to any other law authorizing or directing the mode of such redemption, such person or persons, his, her or their agent, attorney or other legal representative or representatives, shall be entitled to receive an official certificate from the clerk of the court, where such proof may have been made, or from the state treasurer or treasurer of any county.

When collector's deed shall be deemed null and void.

where such deed or conveyance may have been deposited or endorsed (as the case may be) which official certificate shall be recorded in the recorder's office, where such deed or conveyance has been recorded; whereupon such deed or conveyance shall be cancelled, and deemed in law null and void as it relates to so much of said land as may have been redeemed as aforesad.

COUNTY LEVIES.

[*Act of January 27, 1806, 4 v. L. O. p. 35.*]

An act to amend the act, entitled "An act regulating county levies."

Commissioners to determine how levy is to be collected. SEC. 1. That the commissioners, in each and every county in this state, are hereby authorized to determine at their annual meeting in June, whether the county levy in their respective counties, shall be collected by a county collector or the lister in each township, and in case they should determine to collect by county, they shall appoint a collector accordingly, and in making out their duplicates they shall be governed thereby, and in all cases they shall deliver to the collector or collectors, their proper duplicates, on or before the first Monday of August, annually, from which time the collectors shall respectively proceed to collect.

What part of town lots shall be sold. SEC. 2. That when any town lot or part of lot shall hereafter be sold for the tax due thereon, the collector who made the sale shall give the purchaser a certificate, describing particularly the number of such lot and the quantity sold, which shall in all cases begin at one side of the lot and extend from the front back parallel to the out line of the lot, and at any time thereafter make a deed therefor, which shall in all cases vest the purchaser with a title as good as that by which the lot was held at the time of sale.

Compensation to listers, &c. SEC. 3. That the commissioners in each and every county in this state, shall allow the listers and appraisers in their respective counties or townships, a sum not exceeding one dollar and twenty-five cents per day, for each day they may be employed in listing, appraising and making out duplicates for their respective townships.

Part of act repealed. SEC. 4. That so much of the before recited act as comes within the purview of or is contrary to this act, be, and the same is hereby, repealed.

Effect. This act to take effect, and be in force, from and after the first day of March next.

[*Act of February 11, 1812, 10 v. L. O. p. 69.*]

An act to amend the act, entitled "Act regulating county levies."

SEC. 1. That all houses shall be free and exempt from Houses, lots, taxation, and no lots or out-lots, included in a town plat, and &c. exempt taxed for county purposes, shall be taxed under the law le- from taxation underland tax vying a tax on lands.

SEC. 2. That the listers of the several townships shall re- Lister's duty: turn to the commissioners of their respective counties, the list of the taxable property (required of them by the second and third sections of the act to which this is an amendment) excepting so much thereof as relates to houses, on the first Monday of June, annually; and at the same time the said listers shall return to the commissioners the original lists by them severally taken from persons owning property subject to taxation; and the commissioners of each county shall, on the said first Monday of June, perform the duties required of them by the seventh section of said act, excepting so much thereof as relates to houses; and shall moreover, during their session, commencing on the first Monday in June, annually, ap- Commission- point a collector of county levies, for their respective coun- ers to appoint ties; or if the commissioners of any county shall be of opini- collectors. on that the tax of such county can be collected more conveniently by townships, they are empowered to appoint one collector for each township within such county; and each collector, so appointed, shall, on or before the first Monday of August next ensuing, give bond to the commissioners in behalf of the county, with such security as the commissioners may approve of, for double the sum contained in the duplicate given to such collector, conditioned for the faithful collecting and paying over all taxes to be by him collected, on or before the first day of January next ensuing.

SEC. 3. That the commissioners shall make out two Commission- alphabetical duplicates of the tax assessed in each township, ers to make in which the respective items with which each person stands duplicates charged shall be designated, conformably to the lister's return; one of which they shall deposit with the county treasurer, for the inspection of those who may wish to examine the same, and deliver the other to the collector of the county or township, (as the case may be) on or before the first Monday of August, annually.

SEC. 4. That the collectors shall, immediately after the Taxes when first Monday of August, annually, proceed to collect the to be collected county tax, in their respective counties, agreeably to the provisions of the act to which this is an amendment.

SEC. 5. That whenever the tax on any lot or lots is not Collectors paid on or before the first day of November, annually, and may levy on no goods and chattels, can be found whereon to levy, the lots, if no goods can be collector may levy on such lot or lots thus charged, and pro- found.

Notice to be given.

ceed to advertise the same for sale, either by publishment in a newspaper printed in the town where the lot or lots lie, or by posting up four advertisements in the proper township, and one at the door of the court-house of his county; in which publishment or advertisement shall be inserted, the lot or lots by number, the proprietor's names, if known, and the tax due on each; and the time of sale shall be at least thirty days from such advertisement; and if on the day of sale the tax is not paid, the collector shall, in the town where such lots lie, proceed to sell so much of the lot or lots thus charged as will discharge the taxes and costs.

Record to be made of collector's proceedings.

SEC. 6. That whenever any lots, lands or real estate shall be sold at vendue by any collector of taxes, agreeably to the provisions of this act or of the act to which this is an amendment, it shall be the duty of such collector to lodge with the recorder of the county in which such lands, &c. may be situated, within ten days after the vendue and sale aforesaid, the notification of such sale posted up by him, the newspaper containing the advertisement of such sale (if any) with a certificate accompanying the same, under oath, that such notification was posted up according to law; which notification and certificate shall be recorded by such recorder; a certified copy of such record shall be competent testimony touching those facts; and the said newspaper shall be kept on file by said recorder; and such recorder shall be entitled to receive such fees of said collector for recording as may be given in other cases for recording, &c.

Certificate of sale to be given.

SEC. 7. That when any town lot or part thereof shall be sold for taxes due thereon, the collector making such sale shall give to the purchaser a certificate expressing the number of such lot, and the quantity sold, which shall in all cases begin at one side of the lot, and extend from the front back to the out line, and at any time thereafter make a deed to the purchaser, which shall vest him with a sufficient title, in case the tax for that year had not been paid previous to the sale; and the said collector shall, on or before first Monday of January following, transmit to the commissioners of his county a list of all lots, or parts thereof, sold, describing the same as aforesaid, also the purchaser's name; which list the said commissioners shall keep in their office, and any certificate by them given to any person entitled to the right of redemption by this act, shall be deemed good evidence of the sale.

Femes covert, &c. may redeem.

SEC. 8. That if any lot or lots, or part thereof, shall be sold for taxes, the property of a minor, *feme covert* or insane person, or persons in captivity, such person or persons, shall have his, her or their property restored, by complying with the requisitions of the act, entitled "An act directing the mode of redeeming land sold for tax:" *Provided*, That the application required by the said act to be made to the audi-

tor, shall be made to the commissioners of the proper county and within one year after the disability shall be removed.

Sec. 11. That the act, entitled "An act to amend the act Acts and parts entitled "An act regulating county levies," passed January of act repealed. twenty-seventh, one thousand eight hundred and six, and also so much of the "Act regulating county levies," passed February nineteenth, one thousand eight hundred and five, as comes within the purview of this act, be, and the same are hereby, repealed.

[Act of January 27, 1814, 12 v. L. O. p. 80.]

An act directing how the tax on lots in the town of Columbus shall be assessed and disposed of.

Sec. 1. That it shall not be lawful for the commissioners Lots in Colum. of the county of Franklin, to levy any tax upon lots in the bus exempt town of Columbus, previous to the first day of January, from tax until 1816. Anno Domini, one thousand eight hundred and sixteen.

Sec. 2. That the lots in said town of Columbus, shall, Lots in Co- hereafter, until the first day of January, one thousand eight lumbus taxed. hundred and sixteen, stand charged annually, with an amount of tax equal to the amount levied and assessed upon said lots by the commissioners of said county of Franklin, for the year one thousand eight hundred and thirteen, to be collected by the director of the town of Columbus, in the same manner as other county taxes. And said director is Tax how col- hereby authorized and required to proceed to collect said lected. taxes, in the same manner, and with the same authority, as other township collectors: *Provided*, That if the proprietors *Provided*. or owners of lots of said town, shall, on or before the first day of August in each year, pay to the said director, the sum of one-half of the full amount assessed as aforesaid, the said lots shall be exonerated from all charge of tax for each year, for which the sum aforesaid shall be paid.

[Act of February 4, 1814, 12 v. L. O. p. 85.]

An act concerning county commissioners and county levies.

Sec. 1. That in all assessments of tax hereafter made by Houses to be the county commissioners upon town lots, it shall be the duty appraised. of the assessors and appraisers of such property, to take into consideration, and include in their appraisalment and valuation of the same, all houses, and all manner of improvements and betterments thereon. And in all counties where the tax arising upon lots in towns with their improvements, and

Proviso.

the proportion received for the tax upon lands, shall be sufficient to meet all demands against such county; the commissioners of such county shall exempt horses and cattle from taxation: *Provided*, Such exemption shall not prevent a township, poor or road tax being assessed upon horses or cattle as heretofore.

Taxes upon dwelling houses.

An act revived.

SEC. 2. That where the ordinary revenue of any county within this state, after paying the ordinary expenses of such county, shall be insufficient to pay for the erection, or to discharge debts that have heretofore been contracted by the erection of suitable public buildings for the use of such county, and for keeping the same in repair, it shall and may be lawful for the commissioners of every such county, to levy a tax on dwelling-houses for the use of such county, according to the provisions of the act, entitled "An act regulating county levies;" and the said act shall be, and the same is hereby, declared to be in full force within all such counties, so far as the said act relates to a tax on houses, any thing in the act, entitled "An act to amend the act, entitled "An act regulating county levies," to the contrary notwithstanding.

Acts repealed.

SEC. 7. That all acts, and parts of acts, so far as the same are contrary to the provisions of this act, be, and the same are hereby, repealed.

NOTE.—Act of January 4, 1816, 14 v. p. 52. An act for the redemption of land sold for taxes. Act of January 1, 1807 and of February 21, 1812 repealed, saving applications and decisions under them.

Act of February 23, 1816, 14 v. p. 61. Time given to make out duplicates.

Act of February 23, 1816, 14 v. p. 286. Time given to make out duplicates.

Act of February 26, 1816, 14 v. p. 355. Charges upon first rate land \$2.75; upon second rate \$3; and upon third rate \$2, per hundred acres. This act repeals those passed February 9, 1810, January 1, 1811, February 21, 1812, February 7, 1814, and February 15, 1815. The acts repealed are saved for fines, the sale of lands, &c. Sale of lands postponed until the first Monday of December 1817. Delinquents to be charged one hundred per cent.

Act of January 28, 1817, 15 v. p. 165. This charges upon first rate land \$3; upon second \$2.25; and upon third \$1.50, per hundred acres, and postpones the sale of land for tax until the first Monday of December, 1818.

Act of January 29, 1818, 16 v. p. 150. Each hundred acres of first rate land charged \$2; second \$1.50; and third \$1. Sales of land postponed until the first Monday of December, 1819. Act of January 29, 1817 and part of act of February 26, 1816, repealed.

Act of December 22, 1818, 17 v. p. 3. Certain lots, near Dayton, to be taxed as other lands.

Act of February 8, 1819, 17 v. p. 162. First rate land charged \$1.50; second \$1; and third 50 cts. per hundred acres. Sales of land for taxes postponed until the first Monday of December 1819. So much of the act to which this is an amendment, and of February 27, 1816, as are contrary to this, repealed.

Act of February 8, 1820, 18 v. p. 69. Charges upon first rate land \$1.50; upon second \$1; and upon third 50 cts. per hundred acres. Sales of land to be made by county auditor, at the court-house, who shall record the proceedings, which record shall be good evidence. Auditor to make deeds. Sales of land, which by law would be sold on the first Monday of December, 1820, postponed until the first Monday of December, 1822. Acts of

February 26, 1816, January 29, 1818, and of February 8, 1819, repealed. Fines, taxes, suits, &c. saved.

Act of January 22, 1821, 19 v. p. 48. Auditor of state to make deeds for land heretofore sold for taxes.

Act of February 2, 1821, 19 v. p. 111. Each hundred acres of first rate land charged \$1; second 75 cts. and third 50 cts. County auditor to make deeds for land. Part of original act repealed.

Resolution of January 1, 1821, [1821] 19 v. p. 207. Auditor allowed to receive tax for 1820, without penalty, until January 15, 1821.

Act of December 10, 1821, L. L. 1821—2, p. 3. This is a special act for the collection of taxes in Pickaway county.

Act of January 30, 1822, 20 v. p. 23. County auditor to appear at court and demand judgment for tax, &c. due prior to the year 1820. No appeal or writ of error allowed. Lands to be advertised and sold under judgment. Auditor to return list of sales to court, which shall order a deed. Deed to be received as prima facie evidence of title.—Lands which do not sell to be forfeited to the state.

Resolution of January 8, 1822, L. L. 1821—2, p. 61. Auditor to receive tax, without penalty, until January 15, 1822.

Act of December 11, 1822, 21 v. p. 3. Auditor, &c. authorized to receive, until January 15, taxes due, prior to 1820, without penalty.

Act of January 27, 1823, 21 v. p. 26. First rate land taxed \$1,50; second \$1,12; and third 75 cts. per hundred acres.

Resolution of December 28, 1822, 21 v. p. 83 [38.] Taxes may be received, without penalty, until January 15, 1823.

Act of February 24, 1824, 22 v. p. 254. First rate land taxed \$1,25; second 87 cts. and third 56 cts. per hundred acres. Act of January 27, 1823, repealed.

Act of February 25, 1824—took effect June 1, 22 v. p. 249. Proprietors to list their lands—may pay tax, interest, &c. before lands are returned for sale. Delinquent lands to be charged with interest, on tax, and penalty of twenty-five per cent. Guardians, &c. may pay tax and have a lien on land.

Act of February 23, 1824, 22 v. p. 272. Section 26. County auditors to sell lands delinquent for tax for two years. To make deeds, which shall be prima facie evidence of title. Lands which do not sell, forfeited to the state.

Section 41. Auditors to make deeds for lands sold under acts of February 20, 1820 and of February 2, 1821.

Resolution of January 2, 1824, L. L. 1823—4, p. 165. Auditors, &c. may receive tax until February 1.

Act of February 7, 1825, 23 v. p. 23. First rate land taxed \$1,50; second \$1,12; and third 75 cts. per hundred acres. First section of the act of February 24, 1824, repealed.

Act of February 7, 1825, 23 v. p. 27. Successors of county auditors may make deeds for lands sold for taxes.

Act of February 23, 1825, 23 v. p. 58. Lands to be valued. To take effect in 1826.

Act of February 1, 1825—to take effect March 1, 1826, 23 v. p. 89. Auditors to sell lands, &c. on last Monday of December. To make a deed which shall convey a good and valid title, both in law and equity, and be received as prima facie evidence of title. Lands, &c. not sold, forfeited to the state. Part of original act repealed. Saved for the collection of taxes, &c. Act of February 23, 1824, repealed.

Act of December 27, 1824, L. L. 1824—5, p. 9. Heirs of J. F. Hamtramck released from penalties.

Act of December 22, 1824, L. L. 1824—5, p. 26. Auditor of Athens has until the first Tuesday of April to sell lands delinquent for taxes.

Act of January 22, 1825, L. L. p. 35. Auditor of Clark has until second Tuesday of April to sell lands returned delinquent.

Resolution of January 4, 1825, L. L. 1824—5, p. 105. Auditors, &c. to receive taxes, without penalties, until January 20, 1825.

COUNTY LEVIES. Act of February 27, 1816—took effect April 25, 14 v. p. 399. Lots with improvements and all other houses over the value of one hundred dollars, liable to taxation. Repeals the acts of February 19, 1805, of January 27, 1806, of February 11, 1812, and of February 4, 1814.

Act of January 29, 1818, 16 v. p. 122. Non-residents neglecting to pay tax on lots, one hundred per cent. penalty to be charged. Laws contrary to this act repealed.

Act of January 11, 1819, 17 v. p. 28. County commissioners may exempt improvements on town lots from taxation. So much of the original act as is contrary to this, repealed.

Act of January 29, 1821, 19 v. p. 81. Collectors to return delinquent unimproved or unoccupied lots, which shall be charged with a penalty of twenty-five per cent. on each year's tax. Repeals first section of the act of January 29, 1818.

Act of February 23, 1824—took effect June 1, 22 v. p. 277. Lots in towns and all houses, over the value of one hundred dollars, subject to taxation for county purposes. Section 6. Commissioners may exempt houses, &c. from taxation. Tax not to exceed half per cent. on appraised value. Repeals act of February 27, 1816, and all others coming within its purview.

Act of February 23, 1824—took effect June 15, 22 v. p. 283, section 6. Collectors may sell lots for taxes—to deposit his proceedings with recorder, and make deeds to purchasers.

Act of February 1, 1825—to take effect March 1, 1826, 23 v. p. 96. Repeals act of February 23, 1824—directs how town lots shall be sold for taxes, &c.

Town Plats, Recording; Vacating, etc.

[Act of December 6, 1800, 2 sess. 1 G. A. T. p. 41.]

An act to provide for the recording of Town Plats.

SEC. 1. That the original proprietor or proprietors of such Town plats towns as have been heretofore laid out within this territory, be recorded, (except such towns as have been actually vacated) shall, within one year from the day on which this act shall take effect, cause a true and accurate map or plat of such town to be recorded in the recorder's office, of the county where the same now lies, and the proprietor or proprietors, or person or persons, who laid off such town, refusing or neglecting to cause such map or plat to be recorded as aforesaid, shall forfeit and pay the sum of one thousand dollars; and shall also forfeit and pay the further sum of twenty dollars, for every month, after the expiration of the said year, which he, she or they, shall be guilty of such refusal or neglect.

SEC. 2. That where the proprietor or proprietors, who have laid out any town, are dead or removed from the territory, it shall be lawful for any person, whose information may enable him to do it, to make a plat of such town, and to appear before a justice of the peace, or justice of the court of common pleas, of the county where such town lies, or before a judge of the general court of this territory, and make oath, that the same is a true and accurate map or plat of such town, or shall otherwise prove the truth and accuracy thereof, to the satisfaction of such judge or justice; such map so proved and certified by the judge or justice taking such probate under his hand and seal, may be admitted to record; and after the same is recorded, if the proprietor or proprietors, his, her or their heirs, executors or administrators, will controvert the truth or accuracy of such recorded map or plat, the *onus probandi* shall rest on him, her or them.

SEC. 3. That whenever any town shall hereafter be laid out within this territory, the proprietor or proprietors of such town, shall cause a map or plat thereof, to be recorded in manner aforesaid, before any lot or lots therein be offered for sale; and if any person or persons, shall sell, or offer for

sale, any lot or lots within such town, before the plat thereof be recorded as aforesaid, such person or persons, shall forfeit and pay the sum of one hundred dollars, for every lot so sold.

What the plat shall set forth.

To be acknowledged or proved.

Fee vested to uses.

Penalty for recording an untrue plat.

Forfeitures, how recovered.

Costs to be awarded.

SEC. 4. That such maps or plats as are required by this law to be recorded, shall particularly set forth and describe, all the public ground within such town, by its boundaries, courses and extent, and whether it be intended for streets, alleys, commons or other public uses, and all the lots intended for sale by progressive numbers and their precise length and width, and the map so made and acknowledged before a justice of the peace, or justice of the common pleas, of the proper county, where the town lies, or before a judge of the general court, or being made and proved agreeably to the provisions contained in the second section of this act, and certified under the hand and seal of the judge or justice taking such acknowledgment or probate and recorded, shall be deemed a sufficient conveyance to vest the fee of such parcels of ground as are therein expressed, named or intended to be for public uses, in the county in which such town lies, in trust to and for the uses and purposes therein named, expressed or intended, and for no other use or purpose whatever.

SEC. 5. That if any proprietor or proprietors, their agent or attorney, shall cause any map of a town to be recorded as aforesaid, which does not set forth and describe, in manner aforesaid, all and every parcel of ground which has been or shall be promised or set apart by the original articles of sale, for public uses and other lots, such person or persons, shall forfeit and pay double the value of the ground so promised and not set forth on the map; three-fourths parts thereof to the use of the county wherein such town lies, for the express purpose of purchasing ground within and for the use of such town, in lieu of that which was so promised, and the other fourth part to the use of the person prosecuting.

SEC. 6. That the several forfeitures arising under this act, may be recovered in an action of debt or *qui tam*, before any court having cognizance of the same; and if in any case, the body of a proprietor cannot be found, the property of such proprietor shall be liable to be attached as for any other demand; and where any forfeitures are not by this act otherwise appropriated, three-fourth parts thereof shall be applied to and for the use of the county in which they accrue, and the other fourth part to the use of the person prosecuting for the same.

SEC. 7. That in any action to be brought for any penalty incurred under this act, where judgment shall be given for the plaintiff, the court shall also award to him his legal costs of suit.

This act shall commence and be in force, from and after Effect. the first day of May next.

[Act of March 28, 1803, 1 v. L. O. p. 22.]

An act establishing seats of justice.

SEC. 4. That the commissioners, after having agreed ^{Director to be} upon the place for the seat of justice, shall make report ^{appointed to} thereof to the next court of common pleas, to be held in ^{purchase lots:} said county, and if it appears that no town has been previously laid off at the place agreed on by the commissioners, the court shall appoint a director, who, after giving sufficient surety for his faithful performance, shall be fully authorized to purchase the land of the proprietor or proprietors, for the use and behoof of the county, and proceed to lay off said land into lots, streets and alleys, under such regulations as the court may prescribe; and the said director is hereby further authorized to dispose of the said lots, either at public or private sale, as the court may think proper, and to make ^{May sell and convey.} a legal conveyance of the same in fee simple to the purchaser: *Provided always,* That the lands thus purchased and laid off into lots, shall not exceed seven hundred acres.

[Act of February 14, 1805, 3 v. L. O. p. 213.]

An act to provide for the recording of town plats.

SEC. 1. That whenever any town shall hereafter be laid ^{Town plats} out within this state, the proprietor or proprietors of such ^{to be record-} town, shall cause a true and accurate map or plat thereof to ^{ed.} be recorded in the recorder's office of the county where the same lies, before any lot or lots therein be offered for sale; and if any person or persons shall sell or offer for sale, any lot or lots within such town, before the plat thereof be recorded as aforesaid, such person or persons, shall forfeit and pay the sum of ten dollars, for every lot so sold.

SEC. 2. That such maps or plats as are required by this ^{Substance of} act to be recorded, shall particularly set forth and describe ^{plat.} all the public ground within such town, by its boundaries, courses and extent, and whether it be intended for streets, alleys, commons or other public uses, and all the lots intended for sale by progressive numbers, and their precise length and width; and the map so made and acknowledged, before ^{To be ac-} a justice of the peace or associate judge of the court of ^{knowledge,} common pleas, of the proper county where the town lies, or

before a judge of the supreme court, and certified under the hand and seal of the judge or justice taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance to vest the fee of such parcels of land as are Public ground therein expressed, named or intended, to be for public uses vested to uses. in the county in which such town lies, in trust to and for the uses and purposes therein named, expressed or intended, and for no other use or purpose whatever.

Acts repealed. SEC. 5. That an act, entitled "An act to provide for the recording of town plats," passed the sixth December, eighteen hundred, be, and the same is hereby, repealed.

Effect. This act shall take effect, and be in force, from and after the first day of June next.

[*Act of February 3, 1807, 5 v. L. O. p. 103.*]

An act authorizing the proprietor of the town of Portsmouth, in the county of Scioto, to change a part of the in-lots of said town into out-lots.

In-lots may be changed to out-lots. SEC. 1. That the proprietor of the town of Portsmouth, in the county of Scioto, be, and he is hereby, authorized to change a part of the in-lots of the said town of Portsmouth, into out-lots, agreeable to a plan which the said proprietor has made, for the purpose of charging the lots aforesaid, which said plan is signed by the said proprietor, who shall have the same recorded in the recorder's office, for the said county of Scioto.

Effect. This act to take effect, and be in force, from and after the passage thereof.

[*Act of February 17, 1808, 6 v. L. O. p. 140.*]

An act authorizing the proprietor of the town of Dayton, in the county of Montgomery, to change the plan of the same.

Proprietors of Dayton may alter plat. SEC. 1. That the proprietor of the town of Dayton, in the county of Montgomery, is hereby authorized to alter, amend, or correct the plat of said town, with the approbation of a majority of the county commissioners, and the trustees of the corporation of said town: *Provided*, That no block of lots shall be vacated, in which any individual shall have a claim, without their consent.

Plat amended valid. SEC. 2. That the plat of the said town, so amended, and recorded, shall be as valid as the original: *Provided*, The same shall be done in twelve months after the passage of this act.

[Act of February 18, 1808, 6 v. L. O. p. 138.]

An act concerning the plat of the town of Chillicothe.

WHEREAS it has been represented to this General Assembly, ^{Preamble:} that the original proprietor of the town of Chillicothe, did, on the twenty-ninth day of April, in the year eighteen hundred and two, cause to be recorded in the recorder's office of the county of Ross, a copy of the plan of said town, and it appears that an error was committed in numbering sixteen of the in-lots, to wit: Nos. 118, 119, 120, 121, 122, 123, 124, and 125, are recorded on the west side of Walnut street, and Nos. 134, 135, 136, 137, 138, 139, 140, and 141, are recorded on the east side of said Walnut street, which said numbers ought to be changed, to be agreeable to the original plat, therefore to remedy the defect:

SEC. 1. That the trustees of the town of Chillicothe, or a ^{Trustees of} majority of them, be, and they hereby are authorized to have ^{Chillicothe} corrected, on the records of Ross county, the error stated in the ^{may alter re-} preamble to this act, on the original proprietor of the said ^{cords.} town of Chillicothe, producing to the said trustees the original plat of the said town, with such other evidence as may be necessary to prove the error aforesaid; and the recorder of Ross county is hereby authorized and directed to make such alteration in the recorded plan of said town of Chillicothe as the said trustees may direct.

[Act of January 3, 1809, 7 v. L. O. p. 68.]

An act authorizing the proprietors of the town of Boardman, in the county of Trumbull, to alter or vacate the same.

SEC. 1. That the proprietors of the town of Boardman, in ^{Proprietors of} the county of Trumbull, are authorized to alter, amend, cor- ^{Boardman} rect or vacate all, or part of the plat of said town: ^{may alter or} *Provided,* ^{vacate.} It will be by and with the consent of all persons owning any part thereof: *Provided also,* That their proceedings thereon be acknowledged before a proper officer, and recorded in the ^{Proviso.} recorder's office of the county of Trumbull, within one year year from the passage of this law.

This act shall take effect, and be in force, from and after ^{Effect,} the passage thereof.

[Act of January 25, 1810, 8 v. L. O. p. 68.]

An act authorizing the proprietors of the town of Staunton, in the county of Miami, to alter or vacate part of said town.

- Part of town plat may be altered.** SEC. 1. That the proprietors of the town of Staunton, in the county of Miami, are authorized to alter or vacate all that part of the plat of said town, south of Mulberry street: *Provided*, It be by and with the consent of all persons owning any lot in said town: *Provided also*, That their proceedings thereon be acknowledged before either a justice of the peace or one of the associate judges of the county of Miami, and recorded in the recorder's office of the said county, within one year after the passage of this law.
- Proviso.**
- Effect.** This act shall take effect, and be in force, from and after the passage thereof.

[Act of January 22, 1811, 9 v. L. O. p. 28.]

An act authorizing the trustees of the town of West Union, to sell and convey certain public lots in said town, and for other purposes.

- Trustees of West Union are authorized to sell lots.** SEC. 1. That David Bradford, Joseph Darlington, Benjamin Wood, Joseph Curry, John Wood, and their associates, trustees of the town of West Union, in the county of Adams, or a majority of them, be, and they are hereby, authorized and directed to sell to the highest bidder, on a day to be by them appointed, the following lots, designated and known in the plan of said town by numbers seventy-seven, seventy-eight, and that part of number sixty-three, which is included in the following boundaries, to wit: beginning at the north-east corner of said lot; running, thence south, four poles and one-fourth of a pole; thence west three poles; thence north four poles and one-fourth of a pole; thence east to the beginning: *Provided*, The said trustees shall give twenty days notice of such intended sale, by advertisement in five of the most public places in said county, and also in one of the newspapers published in Chillicothe.
- Proviso.**
- Credit may be allowed.** SEC. 2. That the trustees aforesaid shall give to the purchaser or purchasers of said lots a credit of not less than six nor more than twelve months: *Provided*, Bonds be given, payable to the treasurer of said county, with such security as may be deemed sufficient by said trustees.
- Proviso.**
- To make deeds.** SEC. 3. That the said trustees, on the day of sale or as soon thereafter as may be convenient, shall give to the purchaser or purchasers a certificate of the sale of said lots, with a pertinent designation thereof, and shall also make and execute to the said purchaser or purchasers, their heirs or assigns, such deeds of conveyance as they have heretofore

made to purchasers of lots in said town, upon production of the certificate aforesaid, and the treasurer's receipt for the purchase money.

Act of January 29, 1811, 9 v. L. O. p. 77.

An act authorizing the proprietor of Elizabethtown, in the county of Fairfield, to alter or vacate the same.

SEC. 1. That the proprietor of Elizabethtown, in the Proprietors county of Fairfield, is authorized to alter or vacate the plat ^{may alter, &c.} of said town: *Provided*, It be by and with the consent of all ^{plat.} persons owning any part thereof: *Provided also*, That the ^{Proviso.} proceeding thereon be acknowledged before either a justice of the peace or associate judge of the county of Fairfield, and recorded in the recorder's office of said county, within one year from and after the passage of this act.

This act to take effect, and be in force, from and after the ^{Effect.} passage thereof.

[Act of January 29, 1811, 9 v. L. O. p. 75.]

An act authorizing Daniel Sheeby, and Jane, his wife, in conjunction with other persons therein named, to convey in fee simple certain lands,

SEC. 1. That a commission to be composed of James Da- ^{Commission-} vidson and Richard Holland, be, and they are hereby au- ^{ers appointed.} thorized, by and with the consent and co-operation of Daniel Sheeby, and Jane, his wife, all of Trumbull county, to sell and convey in fee simple, not exceeding sixty acres of land, ^{Powers.} off of such part of the farm or tract of land now occupied by the said Daniel, situate in the township of Youngstown, in the county of Trumbull, as the said commission, and Daniel and Jane, his wife, shall think best, having due regard to the present and future interests of the issue of the said Daniel and Jane, his wife.

SEC. 2. That the avails of the sale, made under the first ^{Proceeds how} section of this act, shall be laid out and expended on the ^{appropriated.} residue of the farm aforesaid, in clearing and improving the same, under the direction of the said commission and the said Daniel.

SEC. 3. That no sale or conveyance which may be made ^{Sale not to af-} under the authority of this act, shall impair or invalidate any ^{fect other's} legal lien which any person shall have on the same, other ^{claims.} than the issue of the said Daniel and Jane.

SEC. 4. That the commission aforesaid, be, and they are ^{Commission-} hereby, constituted and appointed guardians ^{ers to be guar-} to the issue of ^{dians.}

Survivors to
act.

Effect.

the said Daniel and Jane, so far forth as their interest shall be embraced in this act, and no further. Should either of the commission die, refuse or neglect to act under the provisions of this act, the surviving or remaining member thereof, shall have all the powers of the joint commission.

This act shall be in force, from and after the passage thereof.

[Act of January 30, 1811, 9 v. L. O. p. 85.]

An act vacating part of the town of Tuscarawas and changing the name thereof.

Proprietors of
Tuscarawas
may vacate
part of plat.

SEC. 1. That the proprietors of the town of Tuscarawas, in the county of Coshocton, are authorized and empowered to vacate the three lower or south tiers of squares in said town, extending from the east boundary of said tiers of squares, to the river Muskingum, and also the out-lots lying west of the Muskingum river and Whitewoman's creek, and north of the Tuscarawas branch: *Provided*, That it shall be by and with the consent of all persons owning any part of the said town intended to be vacated: *Provided also*, That their proceedings thereon be acknowledged before a proper officer, and recorded in the recorder's office, in the county of Coshocton, within one year from the passage of this act.

Part to be
sold.

SEC. 2. That the south square, laid out for public uses, in said town, shall be divided into lots by the commissioners of the county of Coshocton, in such manner as they may think best, which lots shall be sold at public vendue, under the direction of said commissioners, and the proceeds of such sales shall be by them applied toward the expenses of erecting public buildings in said county, and said commissioners are authorized to make deeds for all lots so sold.

Name.

SEC. 3. That the aforesaid town of Tuscarawas shall hereafter be known and designated by the name of Coshocton.

Effect.

This act to be in force from and after the passage thereof.

[Act of December 21, 1811, 10 v. L. O. p. 10.]

An act providing for the vacating of town plats, and for other purposes.

Court may va-
cate town
plats.

SEC. 1. That the courts of common pleas are hereby authorized and empowered, on application made by the proprietor or proprietors of any town, within their proper county, to alter or vacate the same, or any part thereof.

Notice to be
given.

SEC. 2. That if any proprietor or proprietors of a town, shall be desirous of altering or vacating the same, or any

part thereof, such proprietor or proprietors, shall give notice, in writing, of such intended application, in at least two places in the county, wherein such town, may be situated, one to be set up in the most public place in said town, and one on the court-house door, of said county, and insert a copy of the same in a newspaper, printed or in circulation in said county, at least sixty days prior to the sitting of the court, to which he, she or they intend to make such application.

SEC. 3. That if such applicant or applicants shall produce Proceedings to said court satisfactory evidence, that the notice, required on notice. by the preceding section of this act, has been given, and that all persons owning any lot or part thereof in said town have agreed that the whole or a part thereof, shall be altered or vacated, the court shall proceed to alter or vacate said town, or any part thereof, and order their proceedings therein to be recorded by their clerk, with the records of said court: *Provided* - *Proviso*. *ed*, That the vacating of any town plat, or any part of a town plat, shall not vacate any part of a state or county road.

SEC. 4. That the clerk of the said court shall give to the Clerk's duty. applicant a certified copy of such record, for which he shall be entitled to receive the sum of fifty cents, and it shall be the duty of such applicant to have such certificate recorded by the recorder of the county within three months thereafter.



[Act of December 23, 1811, 10 v. L. O. p. 12.]

An act authorizing trustees to sell and convey certain public lots, in the town of Eaton, in Preble county, and for other purposes.

SEC. 1. That Alexander Mitchell, William L. Henderson, Trustees ap- and Samuel Hawkins, be, and they are hereby, appointed pointed. trustees for the purposes herein after provided.

SEC. 2. That it shall be lawful for the said trustees to sell What lots to be sold. to the highest bidder, on a day to be by them appointed, two lots, lying in the public square, in the town of Eaton, designated in the plat by C and D, and destined for the use of churches; also, one lot in said square, designated by B, and destined for the use of a school; each lot containing one hundred and forty-four square poles: *Provided*, That the said trustees shall give notice of the time of such sale, by advertisement in some newspaper, and in three of the most public places in said county of Preble, at least twenty days before the day of sale.

SEC. 3. That the said trustees shall give a credit of not What credit to be given. less than six months, nor more than three years, to the purchaser or purchasers, of said lots, upon his or their giving bond or bonds, with sufficient security, resident in said

Deeds to be
executed.

county, to the said trustees and their successors; and the trustees shall make and execute deeds of conveyance to the purchaser or purchasers, at such time and in such manner as they shall deem right, which shall be made known at the day of sale.

Proceeds of
sale, how ap-
plied.

SEC. 4. That the said trustees shall apply the money arising from the sale of the lots designated for the use of churches, to the purchase of two other lots of the same size, in such part of said town as they may deem best, for a similar purpose; and the balance of the money (if any) towards building a church or meeting-house, or to the purchase of real property for the purpose of raising a fund to erect a meeting-house thereon, according to the original design of the donor; or it shall be lawful for them to loan the balance of the money to the county for the purpose of building a court-house, which shall be a public meeting-house, until the money shall be refunded; and they shall apply the money, arising from the lot designated for a school-house, towards purchasing another suitable lot of the size of one acre; and the balance (if any) towards building a school-house thereon, for the use of the inhabitants of the said town of Eaton.

Trustees
bond, &c.

SEC. 5. That the said trustees, before they enter upon the duties of them required of by this act, shall enter into bond, with sufficient security, to the commissioners of their county, conditioned for the faithful discharge of such duties; on which bond suit may be instituted by any person who may be injured, and shall not be void on the first recovery; and the commissioners shall, from time to time, make a reasonable allowance to the trustees for their services, to be paid out of the money arising from the sale of said lots.

How other
trustees ap-
pointed.

SEC. 6. That in case any of the trustees appointed by the first section of this act, shall fail or refuse to act, or their office become vacant, the remaining trustee or trustees shall call a meeting of the inhabitants and owners of lots in said town, by advertisement, to be set up in at least two of the most public places in said town, giving notice of the time and place of such meeting, at least ten days prior thereto, for the purpose of electing a person or persons to fill such vacancy; and every white male person, above the age of twenty-one years, owning a lot or part thereof in said town, or having resided therein twelve months next preceding such election, shall have a right to vote; and the person or persons, so elected, shall, in all respects, be governed by this act, as is provided respecting those named in the first section thereof.

[*Act of February 10, 1814, 12 v. L. O. p. 151.*]

An act for the relief of John Knisely.

WHEREAS it has been represented to this General Assembly, **Preamble.** that in the laying out and establishment of the town of New Philadelphia, in the county of Tuscarawas, the town lot, numbered on the plan of said town, two hundred and three, was given and appropriated by said John Knisely for the erection of public offices, and that subsequently, town lot numbered on said plan two hundred, was, by said John, agreed to be conveyed to the county commissioners of said county in lieu of, and in exchange for, said lot number two hundred and three, on which to erect public buildings: *And whereas*, doubts have been entertained whether the said county commissioners be authorized to complete said agreement of exchange, so as to re-convey to said John, the legal title to said lot, numbered two hundred and three: Therefore,

SEC. 1. That is [it] shall be competent for the county commissioners of the said county of Tuscarawas, for the time being, to convey to said John Knisely, his heirs or assigns, any title, right or claim which the said county commissioners [of] said county of Tuscarawas or the public may have, legal or equitable, in or to said town lot, number two hundred and three, in pursuance of said agreement if any such there be, according to the true intent and meaning of the same. **Commissioners of Tuscarawas to convey a lot.**

[*Act of January 31, 1815, 13 v. L. O. p. 114.*]

An act to vacate part of the city plat of Cleaveland in the county of Cuyahoga.

SEC. 1. That all that part of the city plat and out-lots of the city of Cleaveland, so called, as originally laid out by the Connecticut Land Company, which is not included within the limits of the corporation of the village of Cleaveland, as specified in the "Act to incorporate the village of Cleaveland in the county of Cuyahoga," passed the twenty-third day of December, eighteen hundred and fourteen, be, and the same is hereby, declared to be vacated; and shall not be subject hereafter to taxation, as town and out-lots, for county purposes: *Provided*, Nothing in this act shall be so construed, as to confirm or invalidate any existing legal rights of the said Connecticut Land Company, in and to the said plat or out-lots; or to confirm or invalidate any legal right heretofore acquired to any of the said out-lots by any person or persons, whatever; but all such rights shall exist, be adjudicated and decided upon, as if this act had never been passed. **Part of Cleaveland vacated. Provide.**

NOTE.—Act of January 10, 1816, 14 v. p. 188. Trustees of West Union may sell lots.

Act of February 7, 1816, 14 v. p. 188. Commissioners of Highland may lay off a street in Hillsborough.

Act of February 21, 1816, 14 v. p. 267. Part of Athens vacated and a new street directed to be laid off.

Act of January 15, 1819, 17 v. p. 29. Acts of the director of Xenia legalized and authority given to fill vacancies.

Act of February 1, 1819, 17 v. p. 95. Duties of the director of Jackson defined.

Act of February 8, 1819, 17 v. p. 203. Proprietors of Mansfield may exchange donations, &c.

Act of January 11, 1820—took effect June 1, 18 v. p. 10. An act establishing seats of justice. Repeals act of March 28, 1803, and part of the act of January 15, 1819.

Act of February 18, 1820, L. L. 1819—20, p. 64. Town plat of Chillicothe, allowed to be corrected on the records.

Act of December 18, 1820, 19 v. p. 8. Trustees of West Union may convey a street to John Wood, and receive a deed from S. Sparks.

Act of December 26, 1820, 19 v. p. 13. Commissioners of Morgan county, authorized to sell and convey lots in McConnelsville.

Act of January 1, 1822, L. L. 1821—2 p. 12. W. Middleton and T. Morris, appointed trustees for Georgetown.

Act of January 25, 1823, L. L. 1822—3, p. 32. C. C. Pleas, may alter plat of Jackson.

Act of February 2, 1824, L. L. 1823—4, p. 84. Special authority given to record the plat of Springfield.

Act of January 3, 1825, L. L. 1824—5, p. 30. Commissioners of Clermont, may sell in-lot, &c.

Act of January 7, 1825, L. L. 1824—5, p. 32. Commissioners of Delaware may sell lots.

Wills, etc.

[Adopted from Pennsylvania—published June 19—and took effect October 1, 1795, Maxwell's ed. p. 148]

A law concerning the probate of wills written or nuncupative.

SEC. 1. All wills in writing, wherein or whereby any lands, tenements or hereditaments have been, are or shall be divided (being proved by two or more credible witnesses, ^{Wills good to convey lands} upon their solemn oath, or affirmation, or by other legal proof in this territory; or being proved before such as have, or shall have power in any of the United States, or elsewhere, to take probates of wills, and grant letters of administration, and a copy of such will with the probate thereof annexed or endorsed, being transmitted hither, under the public or common seal of the courts, or offices, where the same have been or shall be taken or granted, and recorded or entered in the judge of probate's office, in this territory) shall be good and available, in law, for the granting, conveying and assuring of the lands or hereditaments thereby given or devised, as well as of the goods and chattels thereby bequeathed; and the copies of all wills and probates, under the public seals of the courts, or offices, where the same have been or shall be taken or granted, respectively, other than copies or probates of such wills as shall appear to be annulled, disproved or revoked, shall be judged and deemed, and are hereby declared to be matter of record; and shall be good evidence, to prove the gift or devise thereby made. And all such probates, as well as all letters of administration, granted out of this territory, being produced here, under the seals of the courts or offices, granting the same, shall be as sufficient to enable the executors or administrators, by themselves or attorneys, to bring their actions in any court within this territory, as if the same probates, or letters testamentary, or administrations were granted here, and produced under the seal of the judge of probate's office, in any county of this territory.

SEC. 2. *Provided always*, That if any of the wills whereof copies, or probates, shall be so, as aforesaid, produced and given in evidence, shall, within seven years after the testator's death, appear to be disproved or annulled, before any judge or officer, having consance thereof; or shall appear to be revoked or altered, by the testator, either by a latter will, or codicil in writing, duly proved as aforesaid; then, and in every such case, it shall and may be lawful for the party ag- ^{Proviso; If wills, &c. are annulled, or revoked may have action or sue out a writ of error.}

grieved, or his or their heirs, executors or assigns, to have their action for what shall be taken or detained from them by occasion of such wills, or have their writ or writs of error for reversing the judicial proceedings thereupon (as the case shall require) any thing, herein contained, to the contrary notwithstanding.

No nuncupative will good when estate exceeds \$80, &c.

SEC. 3. And from henceforth no nuncupative will shall be good, where the estate, thereby bequeathed, shall exceed the value of eighty dollars, that is not proved by two or more witnesses, who were present at the making thereof; nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness that such was his will or to that effect; nor unless such nuncupative will be made in the time of the last sickness of the deceased, and in the house of his or their habitation or dwelling; or where he or they hath or have been resident for the space of ten days, or more, next before the making of such will, except where such person was surprised or taken sick, being from his own house, and died before he returned to the place of his or her dwelling.

Proof of verbal wills.

SEC. 4. When six months have passed, after speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, was committed to writing, within six days after the making of the said will.

Probate of wills, when to be made.

SEC. 5. No letters testamentary or probate of any nuncupative will, shall pass the seal of the judge of probate's office, in the respective courties, till fourteen days, at least, after the death of the testator be fully expired; nor shall any nuncupative will be, at any time, received to be proved unless process have first issued out, to call in the widow or next of kindred to the deceased; to the end, they may contest the same if they please.

Soldiers, &c. may dispose of his moveables.

SEC. 6. Notwithstanding this law, any mariner or person being at sea, or soldier being in actual military service, may dispose of his moveables, wages and personal estate, as he might have done before the making hereof,



[*Act of January 5, 1805, 3 v. L. O. p. 173.*]

An act directing the manner of executing, proving and recording wills and codicils.

Wills must be signed and witnessed.

SEC. 1. That wills and codicils, in writing, within this state, by which any lands, tenements, hereditaments, goods or chattels are devised, shall be signed by the testator and witnessed in the presence of the testator, by two or more credible witnesses, two of whom declaring, on oath or affir-

mation, before the court of common pleas of the county, that they were present and saw the testator sign said will or codicil, in presence of the other witness or witnesses, if any there were, and that they believed the testator to be of sound mind, memory and judgment, at the time of signing the same, shall be legal proof the execution of said will or codicil: *Provided*, No proof of fraud, compulsion or improper conduct be exhibited, which, in the opinion of the court, shall be sufficient to invalidate or destroy said will or codicil, and every will or codicil, thus proven to the satisfaction of the court, shall be recorded by the clerk of the said court, in a book by him provided for that purpose, and shall be good and available in law, for the granting, conveying and assuring of the lands, tenements, hereditaments, goods or chattels, thereby given or bequeathed.

Sec. 2. That all wills and codicils (other than such as are annulled or revoked) legally executed and proven out of this state, whether in the United States or elsewhere, being transferred here and accompanied with a certificate from the proper officer or officers, that said will or codicil, was executed and proved, agreeably to the laws and usages in that state or country, in which the same was executed and proved, and duly authenticated, shall be recorded as aforesaid, and be good and available in law, in like manner as wills in this state are declared to be: *Provided*, That if it be proven, within five years after the recording such will or codicil, that it was revoked or altered by the testator, it shall and may be lawful for the party aggrieved, his, her or their heirs, executors or agents, to have their action for what shall be taken or retained from them, by occasion of such will or codicil, or to have their writ or writs of error, for reversing the judicial proceedings thereupon, as the case may require.

Wills executed out of the state must be certified.

Provided:

Sec. 6. That a law concerning the probate of wills written and nuncupative, published at Cincinnati, June nineteen, one thousand seven hundred and ninety-nine, and all other laws and parts of laws on the subject of proving and recording wills and codicils, are hereby, repealed.

Laws repealed.

This act shall take effect and be in force, from and after the first day of June next.

Effect.

[Act of February 18, 1808, 6 v. L. O. p. 64.]

An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates.

Sec. 1. That every male person aged twenty-one years or upwards, and every female person aged eighteen years and upwards, being of sound mind, shall have power, at his or

Who may make will.

her will and pleasure, by last will and testament, in writing, to devise all the estates, right, title and interest in possession, reversion or remainder which he or she hath, or at the time of his or her death shall have of, in or to lands, tenements, hereditaments, annuities or rents charged upon or issuing out of them; also, all goods and chattels of any and every denomination whatsoever, so as such last will and testament be signed by the testator, or some person for him or her, in his or her presence, and by his or her direction, and, at the same time, be attested by two or more creditable disinterested witnesses, subscribing their names in his or her presence.

Widow's dower saved.

SEC. 2. That there shall be saved to the widows of testators, their dower in such lands, tenements, hereditaments, rents or annuities, which shall not be prejudiced by any devise thereof.

Revocation of wills.

SEC. 3. That any last will or devise so made, or any clause thereof, shall be revocable by the testators destroying, cancelling, or obliterating the same, or causing it to be done in his or her presence, or by a subsequent will, codicil, or instrument of writing made as aforesaid, or where the testator had no child at the time of executing such last will or codicil, and shall afterwards have a child or children, in either case such last will or codicil, shall be void and of none effect, and the estate of the decedent, shall descend according to the act regulating the course of descents and distribution of intestate estates.

Children born after execution of will, or reported to be dead, have provided for.

SEC. 4. That where a testator or testatrix, at the time of executing his or her last will or codicil as aforesaid, has a child or children absent, and who is or are reputed to be dead, or where a testator or testatrix, at the time of executing his or her last will or codicil, as aforesaid, shall have a child or children born, and shall afterwards have a child or children, who is or are not provided for in such last will or codicil, in either case, the child or children, who was or were absent, and reported to have been dead at the time of executing such last will or codicil, and the child or children, born after executing such last will or codicil, shall succeed to the same portion or share of the testator or testatrix's estate, as he or she would have been entitled to if such testator or testatrix, had died intestate; towards raising which portion the devisees and legatees, shall contribute proportionally out of the parts devised or bequeathed to them by such last will or codicil: *Provided*, That any such child or children, who has or have received any share or proportion of the testator or testatrix's estate by way of advancement, shall bring the same into hotchpot before he or she shall be entitled to any proportion of such estate as in this section is herein before provided: *Provided also*, That nothing contained in this act shall be so construed as to preclude any

Proviso.

Proviso.

devisor from disinheriting any child by expressing such his intention in his last will or codicil.

SEC. 5. That no verbal will shall be valid, in law, unless Noncupative it be made in the last sickness of the deceased and be proved wills. by two creditable, disinterested witnesses that the testator was of sound mind and memory, and that he did, at the same time, call on some person present to take notice or bear testimony that such was his will, or words to the like import.

SEC. 6. That after six months have elapsed from the time Verbal wills of speaking the pretended testamentary words, no testimony not to be prov- shall be received to prove a verbal will unless the will or the ed after six substance thereof be committed to writing within six days months, &c... after making the will, and subscribed by the witnesses proving the same, nor shall such will be proven within twenty days after the death of the testator, nor until the widow and nearest of kin, if any may be found within the county, have had notice, to contest the same if they please.

SEC. 9. That if any person interested shall, within two How wills years afterwards, appear, and by his or her bill in chancery may be con- contest the validity of the will, an issue shall be made up tested. whether the writing produced be the will of the testator or not, which shall be tried by a jury whose verdict shall be final between the parties, saving to the court the power of granting a new trial for good cause, as in other trials; but if no person appear in that time, the probate shall be forever binding, saving also to infants, married women and persons absent from the state or of insane mind, or in captivity, the like period after the removing of their respective disabilities.

SEC. 12. That authenticated copies of wills or codicils, Copies of wills proved according to the laws of any state or territory of the from other United States, or of counties within the limits of the same, and states good relative to any estate within this state, may be offered for probate in the court aforesaid, in the county where such estate shall so lie; the court aforesaid may admit to record any such authenticated copies, and such copies so admitted to record, shall be good and valid in law in like manner as wills made in this state are declared to be, but such will or codicil shall be liable to be contested and controverted in the same manner as the original might have been.

SEC. 21. That appeals may be had from any decision of Appeals al- the court of common pleas, to the supreme court, when any lowed in case will has been contested or any other matter thereunto relating, where the sum or matter in controversy exceeds one hundred dollars in value; and the supreme court, shall proceed in all respects on said appeal, as in other cases of appeals.

SEC. 22. That where it shall appear to the executors of Court may di- any last will and testament, that the personal estate of their rect real estate testator, is not sufficient to pay and satisfy the demands to be sold. against said estate, they shall make known the same to the court of common pleas, in convenient time, who upon satis-

factory proof thereof, shall grant to the executor power to proceed and settle up said estate, by selling any or all the real estate of their testator, in the same manner, and under the restrictions, as is herein after pointed out in the case of intestate estates.

Administra-
tors may sell
real estate.

SEC. 31. That if, on return made to the court, it shall appear to their satisfaction, that, after deducting the widow's thirds, her wearing apparel, one bed and bedding, the expenses of the last sickness, funeral charges, and the costs of administration, there is not personal property sufficient to pay all the demands against said estate, they shall, after setting to the widow her thirds, direct the administrator to sell, under the restrictions herein after prescribed, so much of the real estate of the deceased as shall be sufficient to discharge all such demands after the money arising on the sales of the personal property having been applied therefor; and if, on said returns, it shall appear to the court, that after setting off to the widow her dower and wearing apparel, and deducting the expenses of the last sickness, funeral charges, the costs of administration, that said estate is insolvent, it shall be the duty of said court, after setting off to the widow her third part of all the real property, to direct the remainder thereof to be sold, and to make out an accurate estimate of what the property so remaining will pay on the dollar, upon the whole of the demands against said estate, which it shall be the duty of the administrator, immediately, to pay agreeable thereto, to the several claimants thereof against said estate; and no costs shall be recovered on any suit commenced against any administrator within one year from the date of such letters testamentary, but that all costs accruing on such suit shall be paid by the person commencing the same.

Appraisers to
be appointed.

SEC. 32. That when it shall be made to appear to the satisfaction of the court, that it is necessary to sell real property for the discharge of debts as specified in the preceding section, that they shall appoint three disinterested men to view the lands, tenements or hereditaments, so to be sold, and return to the court, under oath, a statement of the value thereof; after which the court shall direct the executor or executors, administrator or administrators, to proceed to sell either the whole or a part (as they may think proper) of such real estate after giving notice of the time and place of sale, by advertising the same in at least five public places in the county, and in some newspaper of the most general circulation within the county at least six weeks successively, and such lands, tenements or hereditaments, shall be sold, to the best advantage, either for cash or a limited credit, the purchaser securing the payment of the instalments as they become due; but no credit shall in this case extend beyond the period of three years: *Provided*, That any such tract of land with improvements thereon, do not sell for less

Notice of sale
to be given.

May be sold
on credit.

Proviso.

than two-thirds, and any tract without improvements not less than one-half of its appraised value, and the executor or executors, administrator or administrators, after making sale as aforesaid, and discharging all debts and demands against said estate, shall pay over the balance (if any) into the hands of the heirs or guardians.

Executor, &c.
to execute a
deed to pur-
chaser.

Sec. 33. That the court may require (if they deem it necessary) of any executor or administrator, to whom they grant the privilege of selling real property, what security they may think proper to secure to the creditors or heirs the money arising from such sale, respect being had to the value thereof, and the executor or executors, administrator or administrators, shall, by deed, duly executed, convey to the person purchasing the property so sold, which deed shall vest the title in the purchaser as completely as though it had been conveyed by the deceased in his life time.

Administrator
of another
state may sell
lands in this;

Sec. 36. That whenever any person living in any other state or territory, shall die, having property in this state, and the administrator appointed in such state or territory, shall produce to the court of common pleas, in the county where such property lies, a regularly executed and authenticated certificate of such appointment, from the judge or court by whom such letters testamentary were granted, and that it is necessary for the payment of the debts of the deceased, that all or part of such property should be sold, the court shall grant to such administrator liberty to sell the whole or part of such property as they shall see fit and direct the mode thereof.

Heirs may
have partition

Sec. 37. That if any person shall die intestate, possessed of lands, tenements or hereditaments, situate within this state, leaving heirs, some of whom are minors and others of full age, and one or more of said heirs who are above the age of twenty-one years, shall prove to the satisfaction of the court, that he or they are lawful heirs of the intestate, and that the said intestate did not leave any last will or testament in which he or she hath devised such land, tenements or hereditaments, or any part thereof, and such heirs of full age as aforesaid, shall petition the said court of common pleas, within that county, in which said premises are situated, praying for his, her or their equal proportion of such estate to be set off and assigned to him, her or them, such court, shall if they are well satisfied in the proof aforesaid, and are of opinion that the petition is reasonable, shall appoint three disinterested and judicious men of the county, who after taking an oath or affirmation faithfully and impartially to discharge the trust reposed in them, shall take a surveyor to their assistance and proceed to view and make partition of such real estate, if in their opinion it will conveniently divide without injuring or impairing the value thereof, by assigning and setting off to the widow (if any there be) one-third part of such premises, and to each heir one equal part

Three com-
missioners to
be appointed.

Widow to be
endowed.

of the remainder of such real estate, taking into view the value thereof, as well that assigned to the widow, as that to the heirs, and set off and assign to each heir, quantity according to value thereof.

If lands will not divide, they may be sold.

Notice to be given.

Proviso.

Proviso.

Widow may inherit.

Lands may escheat.

Acts repealed.

SEC. 38. That when in the opinion of the men appointed and qualified according to the requisitions of the preceding section, that such lands, tenements and hereditaments are so situate, that they will not admit of division as aforesaid, without materially injuring and reducing the value thereof, and make return to the court under their hands to that effect, the court shall order and direct the administrator or administrators, or the survivor or survivors of them to sell such estate at public vendue to the highest bidder, having, previous to such sale, given six weeks notice by advertising the same in, at least, five public places in the county, and in one or more of the newspapers printed within this state, and in circulation within the county where such premises are situated, setting forth the time and place where such sale will be made; and such administrator or administrators are hereby authorized and empowered to give such credits and divide the amount of the purchase money of such sale into such instalments as they shall deem most advantageous to the widow and heirs of such intestate: *Provided*, That the whole payment shall be completed within four years after such sale: *Provided also*, That in all cases where credits are given as aforesaid, the purchaser or purchasers shall enter into bond with sufficient sureties for the faithful performance and payment of such purchase money according to the condition of such sale: and all expenses arising under this act, shall be adjudged of and settled by the court.

SEC. 39. That whenever any man shall have died, or may hereafter die, and at the time of his death being an inhabitant of this state, possessed of real or personal property, leaving a widow and having no lineal or collateral heirs, the whole of the property shall belong to to the widow after the payment of all just claims against said estate; and in case the wife of any man shall die leaving any property of any kind, having no lineal or collateral heirs, such property shall be vested in her husband.

SEC. 40. That whenever any person, an inhabitant of this state, may die intestate possessed of any property, having no heir, such property shall be vested in the overseers of the poor, and their successors of the township within which such deceased lived at the time of his or her death, for the benefit of the poor of such township.

SEC. 41. That the act, entitled "An act defining the during of administrators on wills and intestate estates, and providing for the appointment of guardians;" the act, entitled "An act directing the distribution of insolvent estates," and the act, entitled "An act directing the manner of executing, proving

and recording wills and codicils," be, and the same are hereby, repealed: *Provided*, The same be continued in force for the purpose of carrying into effect the provisions of the same which have already commenced. Proviso.

This act to commence, and be in force, from and after the first day of June next. Effect:



[Act of February 20, 1808, 6 v. L. O. p. 95.]

An act supplementary to the act, entitled "An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates."

SEC. 2. That when any person has heretofore or may hereafter die intestate, (having purchased land as aforesaid,) previous to the payments being completed therefor, and it shall be made appear to the satisfaction of the court, that there is not assets in the hands of the administrators after paying all just debts, funeral and other incidental expenses, sufficient to complete such payments, or when it shall be made to appear to the court, that the sale of the land situated as aforesaid, would be advantageous to the heirs of such estate, the court shall order such administrators to sell the same, in all respects, agreeably to the provisions of the act, entitled "An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians and the distribution of insolvent estates," who is hereby authorized and required (upon the order of the court as aforesaid) to transfer and convey the title of such land to the purchaser, or his legal representative as fully and completely as such intestate might or could have done in his life time. When no assets, lands may be sold by administrator.



[Act of February 10, 1810, 8 v. L. O. p. 138.]

An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates.

SEC. 31. That if on return made to the court, it shall appear to their satisfaction, that after deducting the widow's wearing apparel, one bed and bedding, the expenses of the last sickness, funeral charges and the costs of administration, there is not personal property sufficient to pay all the demands against said estate, they shall, after setting to the widow her dower, direct the administrator to sell, under the Real estate may be sold by administrator, &c.

restrictions herein after prescribed, so much of the real estate of the deceased as shall be sufficient to discharge all such demands, after the money arising on the sales of the personal property having been applied therefor: and if on said returns, it shall appear to the court, that after setting off to the widow her dower and wearing apparel, and deducting the expenses of the last sickness, funeral charges, the costs of administration, that said estate is insolvent, it shall be the duty of said court, after setting off to the widow her dower as aforesaid, to direct the remainder thereof to be sold, and to make out an accurate estimate of what the property so remaining will pay on the dollar, upon the whole of the demands against said estate, which it shall be the duty of the administrator immediately to pay agreeable thereto, to the several claimants thereof against said estate; and no cost shall be recovered on any suit commenced against any administrator, within one year from the date of such letters testamentary, but that all costs accruing on such suits shall be paid by the person commencing the same.

Power of guardians over their ward's estate.

SEC. 34. That the court of common pleas shall have power, whenever they conceive it necessary, to appoint guardians to all minors within their county, and, on good cause shewn, to authorize guardians to sell all or part of the property, whether real or personal, of their ward or wards, and direct the manner of securing the money arising on such sales to said ward or wards, and likewise to authorize any guardian heretofore chosen or appointed, to sell the whole or a part of the estate, real or personal, of his ward or wards, and to direct the manner of securing the money arising therefrom to said ward or wards; which said guardians shall, in every case, give bond with sufficient security to the acceptance of the court, to discharge with fidelity the trust reposed in them, before entering on the discharge of the same, and for rendering an accurate statement of their transactions, with a just account of the profits arising, and deliver up the same to the court, at such time as they may require; and the court may allow to such guardians what compensation they may think proper for the service by them performed: *Provided*, That minors living out of the state and owning lands within the same, shall be entitled to the benefits of this section: *Provided*, His, her or their guardian or guardians, shall give such security, as shall be approved of by the court.

Court may direct payment to the United States for lands.

SEC. 41. That where any person has heretofore, or hereafter may purchase any land from the United States, and die intestate, previous to the payments therefor being completed to the United States, the court of common pleas of that county, wherein the land may lie, may, on application, authorize and direct the administrator of the estate of such intestate, to complete the payment of all balance due to the United States on such tract of land, out of the assets in his

or their hands, belonging to such estate: *Provided*, The court, *Proviso.* to whom application may be made as aforesaid, shall be satisfied that completing the payment as aforesaid, would be advantageous to such estate.

SEC. 42. That when any person has heretofore, or may Court may direct sale of certificates. hereafter die intestate (having purchased land as aforesaid) previous to the payment being completed therefor, and it shall be made to appear, to the satisfaction of the court, that there is not assets in the hands of the administrator, after paying all just debts, funeral and other incidental expenses, sufficient to complete such payment, or when it shall be made to appear to the court, that the sale of the land situated as aforesaid, would be advantageous to the heirs of such estate; the court shall order such administrator to sell the same, in all respects, agreeable to the provisions of this act, who is hereby authorized and required (upon the order of the court aforesaid) to transfer and convey the title of such land to the purchaser or his legal representative, as fully and completely as such intestate might or could have done in his life time.

SEC. 44. That the act for the proving and recording of Acts repealed, wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates, passed February the eighteenth, one thousand eight hundred and eight, and "An act supplementary thereto," passed the twentieth of February, one thousand eight hundred and eight, be, and the same are hereby repealed.

This act to take effect, and be in force, from and after the Effect, first day of June next.*



[Act of February 8, 1812, 10 v. L. O. p. 66.]

An act supplementary to an act, entitled "An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates.

SEC. 2. That every administrator who may have been or Executors, shall hereafter be appointed such, within any of the United &c. of other States or territories thereof, according to the laws of the states may sue in this. state or territory, within which such appointment may have been or hereafter may be made; and every executor who may have been or hereafter may be appointed such, by will or codicil, made and proved in any state or territory, of the

*The residue of this act, except a few slight and quite immaterial verbal differences, is an exact transcript of the act of February 18, 1808.

NOTE—Act of February 19, 1810, 8 v. p. 258. The courts of C. P. are authorized to sustain suits on the bonds of administrators, &c.

Proviso.

United States, according to the laws of such state or territory, shall be authorized by virtue thereof, to commence and prosecute any action or suit, either in law or equity, and shall be liable to be sued, either in law or equity, in any court of this state, having jurisdiction of the subject matter of such action or suit, in his, her or their capacity of administrator or executor, in the same manner and under the same regulations as any non-resident may be permitted to sue or be sued: *Provided*, That nothing herein contained shall be so construed as to vary the course of descents, nor in any wise affect the title of any land within this state, unless an authenticated copy of such will or codicil be proved and recorded in this state, in the same manner as is provided in the twelfth section of the act to which this act is supplementary.

Under section 31, of original act, three persons shall set off dower.

SEC. 4. That whenever it becomes the duty of any court, within this state, by reason of the provisions of the thirty-first section of the aforesaid act, to set off dower, such court shall, forthwith, appoint three disinterested freeholders, whose duty it shall be, after being sworn or affirmed faithfully and impartially to perform their trust, to set off the same in such manner as shall be just and equitable; and for their services the said court shall allow such compensation as may be reasonable, to be paid out of the estate of the deceased; and hereafter no court within this state shall be required, by reason of any provision in the thirty-eighth section of the same act, to cause any administrator or administrators to sell the lands of any deceased person, so as in any wise to affect the claim or right of dower of the widow of such deceased person, without her free consent; and whenever it shall appear by the administrator's return, in the said thirty-first section of said mentioned act, that any deceased person may have died insolvent, no dividend of the said estate shall be made or caused to be made by the court, unless by advertisement inserted in some newspaper printed in the vicinity, all creditors may have been advised to produce their claims, properly authenticated, within one year from the date of such advertisement.

Court may convene to prove wills, &c.

SEC. 5. That it shall at all times hereafter be lawful for the judges of the court of common pleas, or any three of them, when required to convene for the purpose of granting letters of administration, taking probate of wills, or for transacting any other necessary business relative to the settlement of the estates of deceased persons.

NOTE—Act of January 25, 1816—took effect May 1, 14 v. p. 141. Repeals the acts of February 10, 1810, of February 19, 1810, and of February 8, 1812.

Act of February 23, 1816, 14 v. p. 284. This act points out the manner of prosecuting suits on the bonds of administrators, &c.

Act of January 29, 1818, 16 v. p. 121. When there is a widow endowed, the reversionary interest may be sold.

Act of February 2, 1821, 19 v. p. 135. Bills in chancery may be filed to establish wills. Contracts may be completed by executors, &c. when land is divided by county lines.

Act of February 26, 1824—took effect June 1, 22 v. p. 119. By the act of February 11, 1824, 22 v. p. 132, sec. 28, the acts of January 25, 1816, February 2, 1821, December 20, 1821, and all other acts coming within the purview of this ("An act defining the duties of executors and administrators") are repealed.

Act of January 20, 1824, L. L. 1823—4, p. 24. A defective will of Peter Pelhams established.

Act of December 22, 1824, 23 v. p. 15. That part of the law which requires seals to be affixed to wills, repealed. See ante p. 396.

Miscellaneous.

[*Act of February 3, 1804, 2 v. L. O. p. 123.*]

An act authorizing aliens to hold lands in this state, by purchase or otherwise.

Aliens may
hold lands.

SEC. 1. That it shall be lawful for any and all aliens that now may have, or that hereafter shall be, entitled to have within this state, any lands, tenements or hereditaments, either by purchase, gift, devise or descent, to hold, possess and enjoy the same, as fully and completely as any citizen of the United States or this state, can do, subject to the same laws and regulations, and not otherwise.

[*Act of December 21, 1811, 10 v. L. O. p. 8.*]

An act to enable Drusilla Kerr to receive a certain conveyance.

Preamble.

WHEREAS it has been represented to this General Assembly, that James Kerr, deceased, in his life time contracted with Nathaniel Massie, esq. for the purchase of one hundred acres of land, on the waters of the Scioto river, in the county of Ross; eighty acres of which never have been conveyed to the said James, in his life time, or to his assignee: Whereas it has been further represented, as aforesaid, that the said James has since died intestate, without leaving any heirs at law, to whom the said eighty acres, or the right thereto, can vest: Whereas it is further represented, as aforesaid, that the said Drusilla Kerr, as administratrix of the rights and credits, goods and chattels of the said James, deceased, is possessed of the bond alleged to have been regularly executed by the said Nathaniel Massie, esq. by which he is compellable to make a conveyance of said land to the said James, deceased, or his legal heirs: And whereas it has been further represented to this General Assembly, that the said Drusilla is not in eligible pecuniary circumstances, and by her own industrious exertions, principally enabled the said James, in his life time, to make said purchase: Therefore,

SEC. 1. That the right of this state to the property and estate, in and to said eighty acres of land, accruing by reason of the defect of any heir, capable in law to inherit the said land of the said James, be, and the same hereby is vested in the said Drusilla Kerr, and her heirs and assigns forever. Right to land vested in D. Kerr.

SEC. 2. That the said Drusilla, or her legal representatives, be, and she or they hereby are authorized and empowered to demand and receive of the said Nathaniel Massie, or his legal representatives, such deed or deeds, of conveyance of the said land, as by the said bond the said James, were he now alive, could of right and according to law, demand and have of the said Nathaniel or his legal representatives, and to give therefor such complete and perfect release, as by the said bond the said Nathaniel, could require of said James, were he now alive: *Provided*, That the said Drusilla, or her heirs, do, or cause to be done and performed, all such conditions, as by virtue of said bond, the said James or his heirs, would have been required to do or perform, were the said James now alive, or had he heirs capable in law, to inherit his estate: *And provided*, That nothing herein contained shall be so construed as to disinherit, deprive, or take from any heir or heirs, at law, capable to receive real estate of the said James, deceased, by descent or inheritance, his, her or their right to the premises, in possession of the said Drusilla Kerr, her heirs or assigns; but such heir or heirs, if any such should appear, and sufficiently and in due time prove his, her or their descent from or kindred to said James, by due course of law, may have the same right as against the said Drusilla, her heirs and assigns, to compel to such heir or heirs, a conveyance of the inheritance, (saving to the said Drusilla, her right of dower, and a due allowance for any money she may advance, and every other equitable right, she or her heirs or assigns, may have in relation to the subject,) as such heir or heirs would have had against the said Nathaniel Massie, or his legal representatives, had this act never been passed: *And provided also*, That nothing in this act contained shall be so construed as to bar, destroy or injure the right or rights of any creditor or creditors, of the said James Kerr, deceased, from considering the said land as assets, either in law or equity, for the payment of the just debts of the deceased, if any such there be. May receive a deed from Massie and give a release.
 Provide.
 Provide.

[Act of January 24, 1809, 7 v. L. O. p. 71.]

An act vesting the legal title to certain lands, in Henry Lee, executor of the last will and testament of Arthur Fox, deceased.

Preamble.

WHEREAS it has been represented to this General Assembly, that Arthur Fox, late of Mason county, of the state of Kentucky, departed this life in the year one thousand seven hundred and ninety-four, leaving four children, viz: Elizabeth Fox, who has since been married to Richard Graham, Mary S. Fox, who has since been married to Lawson Dobyns, Arthur Fox and Matilda Fox, the said Arthur and Matilda being yet infants, under the age of twenty-one years; that the said Arthur Fox, deceased, by his last will and testament, appointed Henry Lee, Alexander D. Orr and Francis Taylor, the executors thereof, and amongst other matters therein contained, full power and authority was vested in the said executors to sell and dispose of any of the lands, belonging to the deceased, in the state of Ohio, for certain purposes therein mentioned; that most of the lands owned by the deceased, were obtained for services rendered in locating and surveying in the Virginia Military District, the legal titles to which were not then completed, but have since been obtained by the original proprietors, and by them conveyed, improvidently, to the heirs of the said Arthur Fox, whereby it is put out of the power of the executors to comply with the requisitions of the said will? Therefore, in order that the last will and testament of the said Arthur Fox, may be carried into effect.

The title of
lands vested in
H. Lee.

SEC. 1. That the legal title to one thousand four hundred acres of land, situated in Adams county, on [the] waters of Straight creek, being survey No. 1287, patented to Samuel Hopkins, and by him conveyed to the heirs of the said Arthur Fox, generally by deed, bearing date the twenty-seventh day of May, eighteen hundred: also, one other tract of one thousand acres of land, situated in the county of Adams aforesaid, on [the] waters of the Cherry Fork of Brush creek, being survey No. 1024, patented to John Winston, and by the heirs of the said Winston conveyed, specially, to the heirs of the said Arthur Fox, by deed, bearing date the thirteenth of April, eighteen hundred and eight, be, and the same is hereby, vested in Henry Lee, executor of the last will and testament of the said Arthur Fox, deceased, *in trust*, for the uses and purposes expressed in the said last will and testament, so far only as respects the right of Arthur Fox and Matilda, infants, under the age of twenty-one years.

SEC. 2. That all acts and deeds, conveyances and transactions, done and executed by the said Henry Lee, by virtue of the trust herein granted, and in compliance with the last will and testament of the said Arthur Fox, deceased, shall be good and valid in law, to all intents and purposes.

This act shall take effect, and be in force, from and after the passage thereof.

[Act of February 22, 1805, 3 v. L. O. p. 294.]

An act repealing certain laws.

SEC. 1. That all the laws adopted or passed by the governor and judges, prior to the first day of September, in the year of our Lord, one thousand seven hundred and ninety-nine, and now in force in this state, be, and the same are hereby repealed. Laws of Gov. and judges repealed.

SEC. 2. That all the laws and resolutions passed by the territorial legislature, prior to the first day of April, A. D. one thousand eight hundred and two, be, and the same are hereby, repealed, except these herein after excepted, (to wit): Laws passed by territorial legislature repealed.
 An act, entitled "An act to alter the boundary line between the counties of Jefferson and Washington:" an act to incorporate the town of Marietta: an act to empower the trustees named in the last will and testament of Doctor William Burnet, the elder, to dispose of certain lands: an act authorizing the town of Marietta to preserve the banks of the rivers in the said town: an act appointing trustees for the town of Manchester: an act to incorporate the town of Cincinnati: an act authorizing Zacheus Biggs and Zacheus A. Beaty, to erect a bridge over Will's creek: an act for the relief of Sally Mills: an act for the relief of Jane Mitchson: an act for the relief of Lucy Petit: and also, the different laws passed by the territorial legislature, on the subject of levying a territorial tax, which laws shall remain and continue in force, until the revenue under the same shall be collected, and no longer: *Provided nevertheless*, That nothing in this act contained shall be so construed as to affect, in any manner, any suit or prosecution now depending and undetermined, but the same shall be carried on to final judgment and execution, agreeable to the provisions of any of the said laws, under which the suit or prosecution may have been commenced and the practice of the courts. Exceptions.

This act shall take effect, and be in force, from and after the first day of June next. Power.

[*Act of February 14, 1809, 7 v. L. O. p. 162.*]

An act providing that the repealing an act shall not revive a former act:

SEC. 1. That whenever a law shall be repealed, which repealed a former law, the former law shall not, thereby, be revived unless specially provided for.



[*Act of February 19, 1810, 8 v. L. O. p. 176.*]

An act providing the mode of perpetuating testimony, in certain cases.

Testimony
how perpetuated.

[SEC. 1.] That any two associate judges, of the court of common pleas, in their respective counties, may take the deposition, in writing, of any person residing therein, to perpetuate the remembrance of any fact, matter or thing; and the said associate judges, before whom such deposition is to be made, shall cause such person or persons, whom they know to be interested, either directly or indirectly, or otherwise, affected by such deposition, if within their county, to be duly notified of the time and place of the caption, and if without the county, his or their attorney, if any they have, who shall be at liberty to interrogate and cross examine such deponent; and all such questions and answers shall be reduced to writing and included in such deposition; and the deposition being reduced to writing by one of the associate judges, or by the deponent in their presence, and subscribed, the said associate judges, shall administer an oath and certify the caption; and the same deposition shall, within sixty days, be recorded within the office of the recorder of deeds, in the county where the land lies, if the deposition respects real estate; and if the same respects personal estate, then in the office of the clerk of the court of common pleas, of the said county, where the same shall be taken, and such certificate shall be made on the deposition; and the same deposition, so certified, or a copy of the said record, may, in the case of the death of such deponent, absence out of the state, or inability to attend the court, as aforesaid, be used as evidence, in any cause to which it may relate: *Provided*, That nothing, in this act contained, shall be so construed, as to prevent any and all legal exceptions being made and allowed, to the reading of such depositions, on any trial at law or equity, in which the same may be introduced as evidence.

If for lands,
must be re-
corded.

This act to take effect, from and after the first day of June next.

Effect.

Act of January 25, 1819, 17 v. p. 52. Evidence may be perpetuated as to lands.

Act of January 2, 1824, 22 v. p. 105. Repeals the act of January 25, 1819.

NOTE.—Act of February 6, 1824, 22 v. p. 134. Repeals the act of February 19, 1810 and substitutes a new law.

[Act of January 11, 1811, 9 v. L. O. p. 13.]

An act providing for the relief and support of women who may be abandoned by their husbands, and for other purposes.

(Preamble.)

SEC. 1. That if any man, being joined in the marriage relation, shall renounce the marriage covenant, or refuse to live with his wife in the conjugal relation, by joining himself to any sect whose rules and doctrines require a renunciation of the marriage covenant, or forbid a man and woman to dwell and cohabit together in the conjugal relation, according to the true intent and meaning of the institution of marriage, it shall and may be lawful for the wife, in such case, to file her petition in the office of the clerk of the court of common pleas, or of the supreme court, at least two months before the time of the sitting of said court, and shall also serve the adverse party with a copy of said petition, within one month from the time of filing the same, which petition shall state the true cause of complaint: and in case he shall not reside in her county, she shall publish such notice in some newspaper published in said county, or in the next adjacent county, in which a newspaper is published. Wife may file petition against the husband who has abandoned her and joined certain religious societies.

SEC. 2. That it shall be the duty of the clerk of such court, where the petition is filed, to issue a summons requiring the person complained of, to appear before the said court to answer the allegation of said petition; and, if the party complained of shall not appear, or appearing shall deny the facts stated in the petition, the court shall proceed to hear and determine the same. Proceed.

SEC. 3. That if it shall appear to the said court, that the woman complaining has been lawfully married to the man of whom complaint is made, and that he hath renounced or violated the marriage covenant by joining such sect as above described, the court shall take such measures as to them shall seem right, to ascertain the amount of the property, real and personal, of such husband, and shall decree such part thereof, to the woman as shall appear just and equitable. Court may assign certain estate.

SEC. 4. That if the said husband and wife, shall have a child or children, (yet being in a state of minority) the husband so violating the marriage covenant shall be considered as having renounced and divested himself of all the authority he could have otherwise exercised over his children, and the court shall decree such part (or the whole) of the remainder of his property, real and personal, as to them shall seem right, to the use and support of the child or children, aforesaid; and such child or children, shall be, and remain under the care and direction of the mother: Husband's authority over his children at an end. *Provided,* That the court shall have power, if they shall deem it

Proviso.

necessary, to appoint a guardian or guardians, for such child or children, agreeably to the provisions of the thirty-fourth and thirty-fifth sections of the act, entitled "An act for the proving and recording wills and codicils, defining the duties of executors and administrators, the appointment of guardians, and the distribution of insolvent estates," passed February tenth, one thousand eight hundred and ten: *And provided also*, That if the court shall deem it necessary, they may direct such child or children to be bound to apprenticeship, agreeably to the sixth section of the act, entitled "An act for the relief of the poor," passed February nineteenth, one thousand eight hundred and ten.

Grants made
to such socie-
ties void.

SEC. 5. That all gifts, grants or devises, of money or property, real or personal, which may be made by any man as aforesaid, violating the marriage covenant, to such sect as before described, or any members of such sect, which may tend to deprive his wife or children, of that support to which they are entitled, according to the true intent and meaning of this act, shall be utterly void; and all money or property, so given, granted or devised, may be recovered at the suit of the party injured.

APPENDIX.

TREATIES AND RESERVATIONS.

[1 v. *L. U. S.* p. 390.]

Articles of a treaty concluded at Fort M^cIntosh, the twenty-first day of January, one thousand seven hundred and eighty-five, between the commissioners plenipotentiary of the United States of America, of the one part, and the sachems and warriors of the Wyandot, Delaware, Chippewa and Ottawa nations, of the other.

ART. 3. The boundary line between the United States and the Wyandot and Delaware nations, shall begin at the mouth of the river Cuyahoga, and run thence up the said river to the portage between that and the Tuscarawas branch of Muskingum; then down the said branch to the forks at the crossing place above fort Lawrence; then westerly to the portage of the Big Miami, which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Omie river, and down the south-east side of the same to its mouth; thence along the south shore of Lake Erie, to the mouth of Cuyahoga, where it began.

Boundaries between the United States and the Wyandots and Delawares.

ART. 4. The United States allot all the lands contained within the said lines to the Wyandot and Delaware nations, to live and to hunt on, and to such of the Ottawa nation as now live thereon; saving and reserving for the establishment of trading posts, six miles square at the mouth of Miami or Omie river, and the same at the portage on that branch of the Big Miami which runs into the Ohio, and the same on the lake of Sandusky where the fort formerly stood, and also two miles square on each side of the lower rapids of Sandusky river, which posts and the lands annexed to them, shall be to the use and under the government of the United States.

Lands allotted to Indians.
Reservations.

ART. 6. The Indians who sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands east, south and west of the lines described in the third arti-

Title of United States acknowledged.

cle, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same, or any part of it.*

TREATY OF FORT HARMAR.

[January 9, 1789, 1 v. L. U. S. p. 393.]

Articles of a treaty made at fort Harmar, between Arthur St. Clair, governor of the territory of the United States, northwest of the river Ohio, and commissioner plenipotentiary of the United States of America, for removing all causes of controversy, regulating trade, and settling boundaries, with the Indian nations in the northern department, of the one part; and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawatima, and Sac nations, on the other part.

Treaty of Fort
M^tIntosh re-
cited and con-
firmed.

ART. 2. And whereas, at the before mentioned treaty, it was agreed between the United States and said nations, that a boundary line should be fixed between the lands of those nations and the territory of the United States, which boundary is as follows, viz: beginning at the mouth of Cuyahoga river, and running thence up the said river to the portage between that and the Tuscarawas branch of Muskingum, then down the said branch to the forks at the crossing place above fort Lawrence; thence westerly to the portage on that branch of the Big Miami river which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Omie river, and down the southeast side of the same to its mouth; thence along the southern shore of lake Erie to the mouth of Cuyahoga, where it began. And the said Wyandot, Delaware, Ottawa, and Chippewa nations, for and in consideration of the peace then granted to them by the said United States, and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do, by these presents, renew and confirm the said boundary line; to the end that the same may remain as a division line between the lands of the United States of America and the lands of said nations, forever. And the undersigned Indians, do hereby, in their own names, and the names of their respective nations and tribes, their heirs and descendants, for the consideration above mentioned, release, quit claim, relinquish, and cede to the said United States, all the land east, south, and west, of the lines above described, so far as

*Art. 10, of this treaty, stipulates for the distribution of goods amongst the different tribes; but the value is not specified.

the said Indians, form
said United States to
absolute propriety, for

ART. 3. The United
sents, relinquish and
tively, all the lands
for them, the said In
wise to occupy as
either of them, sha
the same, or any
except the United
any other sovereign
the United States.

ART. 10. The
tofore made in this
for the establish
following; that is

the Miami or Omie
upon that branch of the Miami which
miles square upon the lake Sandusky, where the fort
merly stood; and two miles square upon each side of the
Lower Rapids, on Sandusky river: which posts, and the
lands annexed to them, shall be for the use and under the
government of the United States.

ART. 15. And whereas, in describing the boundary before
mentioned, the words, if strictly constructed, would carry it
from the portage on that branch of the Miami which runs in-
to the Ohio, over to the river Auglaize; which was neither
the intention of the Indians, nor of the commissioners; it is
hereby declared, that the line shall run from the said portage
directly to the first fork of the Miami river, which is to the
southward and eastward of the Miami village; thence down
the main branch of the Miami river to the said village, and
thence down that river to Lake Erie, and along the margin of
the lake to the place of beginning.

TREATY OF GREENVILLE.

[August 3, 1795, 1, L. U. S. p. 393.]

A treaty of peace between the United States of America, and the tribes of
Indians called the Wyandots, Delawares, Shawanees, Chippewas, Otta-
was, Pattawatimas, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws
and Kaskaskias.

ART. 3. The general boundary line between the lands of
the United States and the lands of the said Indian tribes,
shall begin at the mouth of Cuyahoga river, and run thence
up the same to the portage, between that and the Tuscarawas
branch of the Muskingum; thence down that branch to the

crossing place above
fork of that branch
the Ohio, at or ne
where commen
Ohio and St
which runs
Recovery
southward
Consideration that
for the cession, And

crossing place above fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio and St. Mary's river, which is a branch of the Miami which runs into Lake Erie; thence a westerly course to fort Recovery, which stands on a branch of the Wabash; thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawa river. **Consideration for the cession.** And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered; and of the yearly delivery of goods now stipulated to be made hereafter; and to indemnify the United States for the injuries and expenses they have sustained during the war, the said Indian tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes, or any of them, of war or injury to the United States, or any of the people thereof.

**Cession of
lands to the
U. States.**

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land, to wit: 1. One piece of land six miles square, at or near Loromie's store, before mentioned. 2. One piece two miles square, at the head of the navigable water or landing, on the St. Mary's river, near Girty's town. 3. One piece six miles square, at the head of the navigable water of the Auglaize river. 4. One piece six miles square, at the confluence of the Auglaize and Miami rivers, where fort Defiance now stands. 5. One piece six miles square, at or near the confluence of the rivers St. Mary's and St. Joseph's, where fort Wayne now stands, or near it. 6. One piece two miles square, on the Wabash river, at the end of the portage from the Miami of the lake, and about eight miles westward from fort Wayne. 7. One piece six miles square, at the Ouatanon, or old Wea towns, on the Wabash river. 8. One piece twelve miles square, at the British fort on the Miami of the lake, at the foot of the rapids. 9. One piece six miles square, at the mouth of the said river, where it empties into the lake. 10. One piece six miles square, upon Sandusky lake, where a fort formerly stood. 11. One piece two miles square, at the lower rapids of Sandusky river. 12. The post of Detroit, and all the land to the north, the west, and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English govern-

ments: and so much more land to be annexed to the district of Detroit, as shall be comprehended between the river Rosine, on the south, Lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of Lake Erie and Detroit river. 13. The post of Michilimackinac, and all the land on the island on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measures six miles, on Lake Huron, or the strait between Lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait; and also, the island De Bois Blanc, being an extra and voluntary gift of the Chippewa nation. 14. One piece of land six miles square, at the mouth of Chikago river, emptying into the southwest end of Lake Michigan, where a fort formerly stood. 15. One piece twelve miles square, at or near the mouth of the Illinois river, emptying into the Mississippi. 16. One piece six miles square, at the old Piorias fort and village, near the south end of the Illinois Lake, on said Illinois river. And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

U. States to
notify tribes of
intended sur-
vey.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid, at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to fort Wayne, and then down the Miami to Lake Erie; again, from the commencement of the portage at or near Loromie's store, along the portage from thence to the river Auglaize, and down the same to its junction with the Miami at fort Defiance; again, from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and Lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake; and from thence to Detroit. Again, from the mouth of Chikago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi; also, from fort Wayne, along the portage aforesaid, which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States, the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for shelter-

The tribes to
allow a free
passage
through their
lands.

ing vessels and boats, and liberty to land their cargoes where necessary for their safety.

The U. States
relinquish
claims to
lands.

ART. 4. In consideration of the peace now established, and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual, the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to general Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes, on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article; and 4th. The post of fort Massac, towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.*

TREATY OF FORT INDUSTRY.

[1 v. *L. U. S. p.* 409.]

A treaty between the United States of America, and the sachems, chiefs, and warriors, of the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawanee, and Pattawatima nations, holden at Fort Industry, on the Miami of the lake, on the fourth day of July, Anno Domini, one thousand eight hundred and five.

Boundary line
established.

ART. 2. The boundary line between the United States and the nations aforesaid, shall in future be a meridian line drawn north and south, through a boundary to be erected on the south shore of Lake Erie, one hundred and twenty miles due west of the west boundary line of the state of Pennsylvania, extending north until it intersects the boundary line of the United States, and extending south [until] it intersects a line heretofore established by the treaty of Greenville.

Lands ceded
to U. States.

ART. 3. The Indian nations aforesaid, for the consideration of friendship to the United States, and the sums of mo-

*By Art. 4, of this treaty, the United States delivered to the tribes, parties to it, goods to the value of \$20,000, and stipulated for a perpetual annuity of \$9,500, payable in goods, reckoned at first cost in the city or place in the United States, where they should be procured.

ney herein after mentioned, to be paid annually to the Wyandot, Shawanee, Munsee, and Delaware nations, have ceded, and do hereby cede and relinquish to said United States forever, all the lands belonging to said United States, lying east of the aforesaid line, bounded southerly and easterly by the line established by said treaty of Greenville, and northerly by the northernmost part of the forty-first degree of north latitude.*

TREATY OF DETROIT.

[1 v. L. U. S. p. 414.]

Articles of a treaty made at Detroit, this seventeenth day of November, in the year of our Lord one thousand eight hundred and seven, by William Hull, governor of the territory of Michigan, and superintendent of Indian affairs, and sole commissioner of the United States, to conclude and sign a treaty or treaties, with the several nations of Indians northwest of the river Ohio, on the one part, and the sachems, chiefs and warriors of the Ottawa, Chippewa, Wyandot and Pottawatima nations of Indians, on the other part.

ART. 1. The sachems, chiefs and warriors, of the nations aforesaid, in consideration of money and goods, to be paid to the said nations, by the government of the United States, as hereafter stipulated, do hereby agree to cede, and forever quit claim, and do, in behalf of their nations, hereby cede, relinquish, and forever quit claim, unto the said United States, all right, title, and interest, which the said nations now have, or claim, or ever had, or claimed, in, or unto, the lands comprehended within the following described lines and boundaries: beginning at the mouth of the Miami river of the lakes, and running thence up the middle thereof, to the mouth of the great Auglaize river; thence running due north, until it intersects a parallel of latitude, to be drawn from the outlet of Lake Huron, which forms the river Sinclair; thence running northeast, the course that may be found will lead in a direct line to White Rock, in Lake Huron; thence due east, until it intersects the boundary line between the United States and Upper Canada, in said lake; thence southwardly, following the said boundary line down said lake, through river Sinclair, Lake St. Clair, and the river Detroit, into

*By this treaty \$16,000 were paid and a perpetual annuity of \$1,000 was guaranteed to the different tribes, parties to it. The sum of \$4,000 was secured to the President, in trust for them, by the Connecticut Land Company and the Proprietors of the half million of acres of land, called Sufferer's Land. The same Company and Proprietors secured to the President \$2916.67, to raise an annuity of \$175, part of said annuity of \$1,000.—These were the amounts paid by the agents of the Western Reserve, for the cession of their lands.

Lake Erie, to a point due east of the aforesaid Miami river; thence west to the place of beginning.*

Reservations
for the accom-
modation of
the Indians.

ART. 6. It is distinctly to be understood, for the accommodation of the said Indians, that the following tracts of land within the cession aforesaid, shall be, and hereby are, reserved to the said Indian nations: one tract of land six miles square, on the Miami of Lake Erie, above Roche de Boeuf, to include the village where Tondaganie (or the Dog) now lives. Also, three miles square on the said river, (above the twelve miles square ceded to the United States by the treaty of Greenville,) including what is called Presque Isle; also, four miles square on the Miami bay, including the villages where Meshkema and Waugau now live; also, three miles square on the river Raisin, at a place called Macon, and where the river Macon falls into the river Raisin, which place is about fourteen miles from the mouth of said river Raisin; also, two sections of one mile square each, on the river Rouge, at Seginsavin's village; also, two sections of one mile square each, at Tonquish's village, near the river Rouge; also, three miles square on Lake St. Clair, above the river Huron, to include Machonee's village; also, six sections, each section containing one mile square, within the cession aforesaid, in such situations as the said Indians shall elect, subject, however, to the approbation of the President of the United States, as to the places of location. It is further understood and agreed, that whenever the reservations cannot conveniently be laid out in squares, they shall be laid out in parallelograms, or other figures, as found most practicable and convenient, so as to contain the area specified in miles; and in all cases they are to be located in such manner, and in such situations, as not to interfere with any improvements of the French or other white people, or any former cessions.

TREATY OF BROWNSTOWN.

[November 25, 1808, 1 v. L. U. S. p. 417.]

Articles of a treaty made and concluded at Brownstown, in the territory of Michigan, between William Hull, governor of the said territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States of America, for concluding any treaty or treaties, which may be found necessary, with any of the Indian tribes northwest of the river Ohio, of the one part, and the sachems, chiefs, and warriors, of the Chippewa, Ottawa, Pattawatima, Wyandot, and Shawanee nations of Indians, of the other part.

Lands ceded
for roads.

ART. 2. The several nations of Indians aforesaid, in order to promote the object mentioned in the preceding article,

*This treaty stipulated the payment of \$10,000 in goods, &c. and of a perpetual annuity of \$2,400. The United States agreed to furnish two blacksmiths for ten years.

and in consideration of the friendship they bear towards the United States, for the liberal and benevolent policy which has been practised towards them by the government thereof, do hereby give, grant, and cede, unto the said United States, a tract of land for a road, of one hundred and twenty feet in width, from the foot of the rapids of the river Miami of Lake Erie to the western line of the Connecticut Reserve, and all the land within one mile of the said road, on each side thereof, for the purpose of establishing settlements along the same; also, a tract of land, for a road only, of one hundred and twenty feet in width, to run southwardly from what is called Lower Sandusky, to the boundary line established by the treaty of Greenville, with the privilege of taking, at all times, such timber and other materials from the adjacent lands, as may be necessary for making and keeping in repair the said road, with the bridges that may be required along the same.

ART. 3. It is agreed, that the lines embracing the lands given and ceded by the preceding article, shall be run in such directions as may be thought most adviseable by the President of the United States, for the purposes aforesaid. Lines how they be run.

TREATY OF THE FOOT OF THE RAPIDS OF THE MIAMI OF THE LAKE.

[September 29, 1817, 2 sess. 15. Cong. Appendix No. 1.]

Articles of a treaty made and concluded, at the foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan M'Arthur, commissioners of the United States, with full power and authority to hold conferences and conclude and sign a treaty or treaties with all or any of the tribes or nations of Indians within the boundaries of the state of Ohio, of and concerning all matters interesting to the United States and the said nations of Indians, on the one part; and the sachems, chiefs and warriors, of the Wyandot, Seneca, Delaware, Shawanee, Pottawatima, Ottawa and Chippewa, tribes of Indians.

ART. 1. The Wyandot tribe of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States the lands comprehended within the following lines and boundaries: beginning at a point on the southern shore of Lake Erie, where the present Indian boundary line intersects the same, between the mouth of Sandusky bay and the mouth of Portage river; thence running south with said line, to the line established in the year one thousand seven hundred and ninety-five, by the treaty of Greenville, which runs from the crossing place above fort Lawrence to Loromie's store; thence westerly, with the last mentioned line, to the eastern line of the reserve at Loromie's store; thence with the lines of said reserve Cession of lands by the Wyandots.

north and west, to the northwestern corner thereof; thence to the northwestern corner of the reserve on the river St. Mary's, at the head of the navigable waters thereof; thence east to the western bank of the St. Mary's river aforesaid; thence down on the western bank of the said river, to the reserve at fort Wayne; thence with the lines of the last mentioned reserve, easterly and northerly, to the north bank of the river Miami of Lake Erie; thence down on the north bank of the said river, to the western line of the land ceded to the United States by the treaty of Detroit, in the year one thousand eight hundred and seven; thence with the said line, south, to the middle of said Miami river, opposite the mouth of the Great Auglaize river; thence down the middle of said Miami river, and easterly with the lines of the tract ceded to the United States by the treaty of Detroit aforesaid, so far that a south line will strike the place of beginning.

Cession of
lands by the
Pottawati-
mies, Ottawas
and Chippe-
was.

ART. 2. The Pottawatima, Ottawa and Chippewa tribes of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States the land comprehended within the following lines and boundaries: beginning where the western line of the state of Ohio crosses the river Miami of Lake Erie, which is about twenty-one miles above the mouth of the Great Auglaize river; thence down the middle of the said Miami river, to a point north of the mouth of the Great Auglaize river; thence with the western line of the land ceded to the United States by the treaty of Detroit, in one thousand eight hundred and seven, north forty-five miles; thence, west, so far that a line south will strike the place of beginning, thence, south, to the place of beginning.

Other tribes
accede.

ART. 3. The Wyandot, Seneca, Delaware, Shawanee, Pottawatima, Ottawa and Chippewa, tribes of Indians accede to the cessions mentioned in the two preceding articles.*

Grants, in fee,
to the Wyandots.

ART. 6. The United States agree to grant, by patent, in fee simple, to Doanquod, Howoner, Rontondee, Tauyau, Rontayau, Dawatont, Manocue, Tauyaudautauson and Hau-

*By this treaty the United States stipulated to pay the Wyandots a perpetual annuity of \$4,000; to the Senecas \$500; to the Shawanees, 2,000; to the Pottawatimies, annually, for 15 years, \$1,300; to the Ottawas, annually, for 15 years, \$1,000; to the Chippewas, annually, for 15 years, \$1,000; and to the Delawares, \$500, but no annuity. The United States also engaged to erect a saw and grist mill, for the use of the Wyandots; and to provide and maintain two blacksmiths; one for the use of the Wyandots and Senecas; the other for the Indians at Hog creek, &c.

The United States further agree to pay the sums following for property, &c. injured during the war:—To the Wyandots, \$4319 39; to the Senecas, \$3989 24; to Indians at Lewis and Scoutash's towns, \$1227 50; to the Delawares, \$3956 50; to the representatives of Hembis, \$248 50; to the Shawanees, \$420; and to the Senecas, an additional sum of \$219. It is also agreed to pay the Shawanees, under the treaty of fort Industry, \$2,500. By Art. 17, the value of improvements abandoned, was to be paid for.

lauuwaugh, chiefs of the Wyandot tribe, and their successors in office, chiefs of the said tribe, for the use of the persons and for the purposes mentioned in the annexed schedule, a tract of land twelve miles square, at Upper Sandusky, the centre of which shall be the place where fort Ferree stands; and also a tract of one mile square, to be located where the chiefs direct, on a cranberry swamp, on Broken Sword creek, and to be held for the use of the tribe.

The United States also agree to grant, by patent, in fee simple, to Tahawmadoyaw, captain Harris, Isahownusaw, Joseph Tawgyou, captain Smith, Coffee-house, Running About, and Wipingstick, chiefs of the Seneca tribe of Indians, and their successors in office, chiefs of the said tribe, for the use of the persons mentioned in the annexed schedule, a tract of land to contain thirty thousand acres, beginning on the Sandusky river, at the lower corner of the section herein after granted to William Spicer; thence, down the said river, on the east side, with the meanders thereof at high water mark, to a point east of the mouth of Wolf creek; thence, and from the beginning, east, so far that a north line will include the quantity of thirty thousand acres aforesaid.

Grants to the
Senecas.

The United States also agree to grant, by patent, in fee simple, to Catewekesa or Black Hoof, Byaseka or Wolf, Pomthe or Walker, Shemenetoo or Big Snake, Othawakeseka or Yellow Feather, Chakalowah or the Tail's End, Pemthala or John Perry, Wabepee or White Colour, chiefs of the Shawanee tribe, residing at Wapaghkonetta, and their successors in office, chiefs of the said tribe, residing there, for the use of the persons mentioned in the annexed schedule, a tract of land ten miles square, the centre of which shall be the council house at Wapaghkonetta.

Grants to the
Shawnees.

The United States also agree to grant, by patent, in fee simple, to Peeththa or Falling Tree and to Onowaskemo or the Resolute Man, chiefs of the Shawanee tribes, residing on Hog Creek, and their successors in office, chiefs of the said tribe, residing there, for the use of the persons mentioned in the annexed schedule, a tract of land containing twenty-five square miles, which is to join the tract granted at Wapaghkonetta, and to include the Shawanee settlement on Hog Creek, and to be laid off as nearly as possible in a square form.

Grants to the
Shawnees on
Hog creek.

The United States also agree to grant, by patent, in fee simple, to Quatawape or captain Lewis, Shekaghkela or Turtle, Skilowa or Robin, chiefs of the Shawanee tribe of Indians residing at Lewistown, and to Mesomea or Civil John, Wawkawuxsheno or the White Man, Oquasheno or Joe, and Willaquasheno or When you are tired sit down, chiefs of the Seneca tribe of Indians, residing at Lewistown, and to their successors in office, chiefs of the said Shawanee and Seneca tribes, for the use of the persons mentioned in the annexed

Grant to the
Shawnees and
Senecas at
Lewistown.

schedule, a tract of land to contain forty-eight square miles, to begin at the intersection of the line run by Charles Roberts, in the year one thousand eight hundred and twelve, from the source of the Little Miami river to the source of the Scioto river, in pursuance of instructions from the commissioners appointed on the part of the United States, to establish the western boundary of the Virginia Military Reservation, with the Indian boundary line established by the treaty of Greenville, in one thousand seven hundred and ninety-five, from the crossings above fort Lawrence to Loromie's store, and to run from such intersection, northerly, with the first mentioned line, and westerly, with the second mentioned line, so as to include the quantity as nearly in a square form as practicable, after excluding the section of land herein after granted to Nancy Stewart.

Reservations
for the Ottawa
Indians.

There shall also be reserved for the use of the Ottawa Indians, but not granted to them, a tract of land on Blanchard's fork of the Great Auglaize river, to contain five miles square, the centre of which tract is to be where the old trace crosses the said fork, and one other tract to contain three miles square, on the Little Auglaize river, to include Oquanoxa's village.

Power to convey and make
partition.

ART. 7. And the said chiefs or their successors may, at any time they may think proper, convey to either of the persons mentioned in the said schedule, or his heirs, the quantity secured thereby to him, or may refuse so to do. But the use of the said land shall be in the said person; and after the share of any person is conveyed by the chiefs to him, he may convey the same to any person whatever. And any one entitled by the said schedule to a portion of the said land, may, at any time convey the same to any person, by obtaining the approbation of the President of the United States, or of the person appointed by him to give such approbation. And the agent of the United States shall make an equitable partition of the said share when conveyed.

Private grants

ART. 8. At the special request of the said Indians, the United States agree to grant, by patent, in fee simple, to the persons herein after mentioned, all of whom are connected with the said Indians, by blood or adoption, the tracts of land herein described:

Elizabeth
Whitaker.

To Elizabeth Whitaker, who was taken prisoner by the Wyandots, and has ever since lived among them, twelve hundred and eighty acres of land, on the west side of the Sandusky river, below Croghansville, to be laid off in a square form, as nearly as the meanders of the said river will admit, and to run an equal distance above and below the house in which the said Elizabeth Whitaker now lives.

Robert Arm-
strong.

To Robert Armstrong, who was taken prisoner by the Indians, and has ever since lived among them, and has married a Wyandot woman, one section, to contain six hundred and

forty acres of land, on the west side of the Sandusky river, to begin at the place called Camp Ball, and to run up the river, with the meanders thereof, one hundred and sixty poles, and from the beginning, down the river, with the meanders thereof, one hundred and sixty poles, and from the extremity of these lines west for quantity.

To the children of the late William M'Collock, who was killed in August, one thousand eight hundred and twelve, near Maugaugon, and who are quarter-blood Wyandot Indians, one section, to contain six hundred and forty acres of land, on the west side of the Sandusky river, adjoining the lower line of the tract hereby granted to Robert Armstrong, and extending in the same manner with and from the said river. To children of Wm. M'Collock.

To John Vanmeter, who was taken prisoner by the Wyandots, and who has ever since lived among them, and has married a Seneca woman, and to his wife's three brothers, Senecas, who now reside on Honey creek, one thousand acres of land, to begin north, forty-five degrees west, one hundred and forty poles from the house in which the said John Vanmeter now lives, and to run thence, south, three hundred and twenty poles, thence, and from the beginning, east for quantity. Vanmeter and his wife's brothers.

To Sarah Williams, Joseph Williams, and Rachel Nugent, late Rachel Williams, the said Sarah having been taken prisoner by the Indians, and ever since lived among them, and being the widow, and the said Joseph and Rachel being the children, of the late Isaac Williams, a half-blood Wyandot, one quarter section of land, to contain one hundred and sixty acres, on the east side of the Sandusky river, below Croghansville, and to include their improvements at a place called Negro Point. S. and J. Williams and R. Nugent.

To Catharine Walker, a Wyandot woman, and to John R. C. Walker, her son, who was wounded in the service of the United States, at the battle of Maugaugon, in one thousand eight hundred and twelve, a section of six hundred and forty acres of land each, to begin at the north-western corner of the tract hereby granted to John Vanmeter and his wife's brothers, and to run with the line thereof, south three hundred and twenty poles, thence, and from the beginning, west for quantity. and son.

To William Spicer, who was taken prisoner by the Indians, and has ever since lived among them, and has married Seneca woman, a section of land, to contain six hundred and forty acres, beginning on the east bank of the Sandusky river, forty poles below the lower corner of said Spicer's cornfield, thence, up the river on the east side, with the meanders thereof, one mile, thence, and from the beginning east for quantity. W. Spicer.

- Nancy Stewart.** To Nancy Stewart, daughter of the late Shawanee chief Blue Jacket, one section of land, to contain six hundred and forty acres, on the Great Miami river below Lewistown, to include her present improvements, three quarters of the said section to be on the south-east side of the river, and one quarter on the north-west side thereof.
- The children of captain Logan.** To the children of the late Shawanee chief captain Logan, or Spamagelabe, who fell in the service of the United States during the late war, one section of land, to contain six hundred and forty acres, on the east side of the Great Auglaize river, adjoining the lower line of the grant of ten miles at Wapaghkonetta and the said river.
- Anthony Shane.** To Anthony Shane, a half-blood Ottawa Indian, one section of land, to contain six hundred and forty acres, on the east side of the river St. Mary's, and to begin opposite the house in which said Shane now lives, thence, up the river, with the meanders thereof, one hundred and sixty poles, and from the beginning down the river, with the meanders thereof, one hundred and sixty poles, and from the extremity of the said lines east for quantity.
- J. M'Pherson.** To James M'Pherson, who was taken prisoner by the Indians, and has ever since lived among them, one section of land, to contain six hundred and forty acres, in a square form, adjoining the northern or western line of the grant of forty-eight miles at Lewistown, at such place as he may think proper to locate the same.
- The Cherokee Boy.** To Horonu or the Cherokee Boy, a Wyandot chief, a section of land, to contain six hundred and forty acres, on the Sandusky river, to be laid off in a square form, and to include his improvements.
- A. D. and R. Godfroy.** To Alexander D. Godfroy and Richard Godfroy, adopted children of the Pottawatima tribe, and at their special request, one section of land, to contain six hundred and forty acres, in the tract of country herein ceded to the United States by the Pottawatima, Ottawa and Chippewa tribes, to be located by them, the said Alexander and Richard, after the said tract shall have been surveyed.
- Yellow Hair.** To Sawendebans, or the Yellow Hair, or Peter Minor, an adopted son of Tondaganie, or the Dog, and at the special request of the Ottawas, out of the tract reserved by the treaty of Detriot, in one thousand eight hundred and seven, above Roche de Bœuf, at the village of the said Dog, a section of land, to contain six hundred and forty acres, to be located in a square form, on the north side of the Miami, at the Wolf Rapid.
- Grants free from taxes.** ART. 15. The tracts of land herein granted to the chiefs, for the use of the Wyandot, Shawanee, Seneca and Delaware Indians, and the reserve for the Ottawa Indians, shall not be liable to taxes of any kind so long as such land continues the property of the said Indians.

ART. 18. The Delaware tribe of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States all the claim which they have to the thirteen sections of land reserved for the use of certain persons of their tribe, by the second section of the act of Congress, passed March the third, one thousand eight hundred and seven, providing for the disposal of the land of the United States between the United States' Military Tract and the Connecticut Reserve, and the lands of the United States between the Cincinnati and Vincennes districts. The Delaware cede 13 sections.

ART. 19. The United States agree to grant, by patent, in fee simple, to Zeeshawan or James Armstrong, and to Sanondoyourayquaw or Silas Armstrong, chiefs of the Delaware Indians, living on the Sandusky waters, and their successors in office, chiefs of the said tribe, for the use of the persons mentioned in the annexed schedule, in the same manner, and subject to the same conditions, provisions and limitations, as is herein before provided for the lands granted to the Wyandot, Seneca and Shawanee Indians, a tract of land, to contain nine square miles, to join the tract granted to the Wyandots of twelve miles square, to be laid off as nearly in a square form as practicable, and to include captain Pipe's village. Grant to J. and S. Armstrong.

ART. 20. The United States also agree to grant, by patent, to the chiefs of the Ottawa tribe of Indians, for the use of the said tribe, a tract of land, to contain thirty-four square miles, to be laid out as nearly in a square form as practicable, not interfering with the lines of the tracts reserved by the treaty of Greenville on the south side of the Miami river of Lake Erie, and to include Tushquegan, or M'Carty's village; which tracts, thus granted, shall be held by the said tribe, upon the usual conditions of Indian reservations, as though no patent were issued. Grant to Ottawa.



A TREATY SUPPLEMENTARY TO THE TREATY OF THE FOOT OF THE MIAMI OF THE LAKE.

[September 17, 1818, 2 sess. 15 Congress, Appendix No. 2.]

Articles of a treaty made and concluded, at St. Mary's in the state of Ohio, between Lewis Cass and Duncan M'Arthur, commissioners of the United States, with full power and authority to hold conferences, and conclude and sign a treaty or treaties, with all or any of the tribes or nations of Indians within the boundaries of the state of Ohio, of and concerning all matters interesting to the United States and the said nations of Indians, and the sachems, chiefs and warriors of the Wyandot, Seneca, Shawanee and Ottawa tribes of Indians; being supplementary to the treaty made and concluded with the said tribes, and the Delaware, Pattawatima and Chippewa tribes of Indians, at the foot of the Rapids of the Miami of Lake Erie, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seventeen.

ART. 1. It is agreed, between the United States and the parties hereunto, that the several tracts of land, described in original treaty to

be considered in the treaty to which this is supplementary, and agreed
reservations. thereby to be granted by the United States to the chiefs of the respective tribes named therein, for the use of the individuals of the said tribes, and also the tract described in the twentieth article of the said treaty, shall not be thus granted, but shall be excepted from the cession made by the said tribes to the United States, reserved for the use of the said Indians, and held by them in the same manner as Indian reservations have been heretofore held. But [it] is further agreed, that the tracts thus reserved shall be reserved for the use of the Indians named in the schedule to the said treaty, and held by them and their heirs forever, unless ceded to the United States.

Additional re-
servations to
Wyandots.

ART. 2. It is also agreed that there shall be reserved for the use of the Wyandots, in addition to the reservations before made, fifty-five thousand six hundred and eighty acres of land, to be laid off in two tracts, the first to adjoin the south line of the section of six hundred and forty acres of land heretofore reserved for the Wyandot chief, the Cherokee Boy, and to extend south to the north line of the reserve of twelve miles square, at Upper Sandusky, and the other to join the east line of the reserve of twelve miles square, at Upper Sandusky, and to extend east for quantity.

Reservation
at Solomon's
town.

There shall also be reserved, for the use of the Wyandots residing at Solomon's town, and on Blanchard's fork, in addition to the reservations before made, sixteen thousand acres of land, to be laid off in a square form, on the head of Blanchard's fork, the centre of which shall be at the Big Spring, on the trace leading from Upper Sandusky to fort Findlay; and one hundred and sixty acres of land, for the use of the Wyandots, on the west side of the Sandusky river, adjoining the said river, and the lower line of two sections of land, agreed, by the treaty to which this is supplementary, to be granted to Elizabeth Whitaker.

Additional re-
servations for
the Shawa-
nees, &c.

There shall also be reserved, for the use of the Shawanees, in addition to the reservations before made, twelve thousand eight hundred acres of land, to be laid off adjoining the east line of their reserve of ten miles square, at Wapaghkonetta, and for the use of the Shawanees and Senecas, eight thousand nine hundred and sixty acres of land, to be laid off adjoining the west line of the reserve of forty-eight square miles at Lewistown. And the last reserve hereby made, and the former reserve at the same place, shall be equally divided by an east and west line, to be drawn through the same. And the north half of the said tract shall be reserved for the use of the Senecas who reside there, and the south half for the use of the Shawanees who reside there.

Reservations
for the Sene-
cas.

There shall also be reserved for the use of the Senecas, in addition to the reservations before made, ten thousand acres of land, to be laid off on the east side of the Sandusky river,

adjoining the south line of their reservation of thirty thousand acres of land, which begins on the Sandusky river, at the lower corner of William Spicer's section, and excluding therefrom the said William Spicer's section.

ART. 3. It is hereby agreed that the tracts of land, which ^{Lands grant} by the eighth article of the treaty to which this is supplementary, are to be granted by the United States to the persons therein mentioned, shall never be conveyed, by them or ^{ed not to be} ^{conveyed} ^{without per-} their heirs, without the permission of the President of the United States.*

[*Act of May 26, 1824, 1 sess. 18 Congress, p. 128*]

An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty.

SEC. 1. That there be, and hereby is, reserved, for the ^{Reservation to} use of the chiefs and tribe of Wyandot Indians, subject to the Indians the conditions and limitations of the former reservation, the ^{upon condi-} ^{tion.} northeast quarter of section numbered two, in township two, and range seventeen, south of the base line, of land, in the Delaware Land District, in the state of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky River; and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the state of Ohio, on the seventeenth day of September, eighteen hundred and eighteen; on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land reserved by said supplementary treaty.

*By this supplement, an additional annuity is given to the Wyandots of \$500, forever; to the Shawanees, &c. \$1,000; to the Senecas \$500; and to the Ottawas \$1,500.

Counties.

[5 v. L. O. p. 153.]

Proclamations for the establishment of counties under the territorial government.*

July 27th, 1788.

Boundaries of Washington. Beginning on the bank of the Ohio river, where the western boundary line of Pennsylvania crosses it, and running with that line to Lake Erie; thence along the southern shore of said lake, to the mouth of Cuyahoga river; thence up said river to the portage between it and the Tuscarawas branch of Muskingum; thence down that branch to the forks at the crossing place above fort Lawrence; thence with a line to be drawn westerly to the portage, on that branch of the Big Miami on which the fort stood that was taken by the French in 1752, until it meets the road from the lower Shawanees town to Sandusky; thence south to the Scioto river; thence with that river to the mouth; and thence up the Ohio river to the place of beginning.

January 2d, 1790.

Boundaries of Hamilton. Beginning on the bank of the Ohio river, at the confluence of the Little Miami, and down the said Ohio river to the mouth of the Big Miami, and up said Miami to the standing stone forks or branch of said river, and thence with a line to be drawn due east, to the Little Miami, and down said Little Miami to the place of beginning.

August 15th, 1796.

Boundaries of Wayne. Beginning at the mouth of the Cuyahoga river, upon Lake Erie, and with the said river to the portage between it and the Tuscarawas branch of the Muskingum; thence down the said branch to the forks at the carrying place above fort Lawrence; thence by a west line to the eastern boundary of Hamilton county, (which is a due north line from the lower Shawanees town upon the Scioto river) thence by a line west northerly to the southern part of the portage, between the Miamis of the Ohio and the St. Mary's river; thence by a line also west northerly to the southwestern part of the portage, between the Wabash and the Miamis of Lake Erie,

*These were published by virtue of a resolution of the General Assembly, of February 3, 1807—See 5 v. p. 146.

where fort Wayne now stands; thence by a line west northerly, to the most southern part of Lake Michigan; thence along the western shores of the same, to the northwest part thereof, (including the lands upon the streams emptying into the said lake); thence by a due north line to the territorial boundary in Lake Superior, and with the said boundary through Lakes Huron, Sinclair and Erie, to the mouth of Cuyahoga river, the place of beginning.

July 10, 1797.

Beginning upon the Ohio river, at the upper boundary of that tract of twenty-four thousand acres of land, granted unto the French inhabitants of Galliopolis, by an act of the Congress of the United States, bearing date the third of March, 1795; thence down the said Ohio river, to the mouth of Elk river, (generally known by the name of Eagle creek) and up with the principal water of the said Elk river or Eagle creek to its source or head; thence by a due north line, to the southern boundary of Wayne county, and easterly along said boundary, so far that a due south line shall meet the interior point of the upper boundary of the aforesaid tract of land of twenty-four thousand acres, and with the said boundary to the place of beginning.

Boundaries of Adams.

July 29, 1797.

Beginning upon the bank of the Ohio river, where the western boundary of Pennsylvania crosses it, and down the said river to the southern boundary of the fourth township in the third range, (of those seven ranges of townships that were surveyed in conformity to the ordinance of Congress of the 20th of May, 1785,) and with the said southern boundary west, to the southwest corner of the sixth township of the fifth range; thence north, along the western boundary of the said fifth range, to the termination thereof; thence due west, to the Muskingum river, and up the same to and with the portage, between it and the Cuyahoga river; thence down Cuyahoga, to Lake Erie; thence easterly, along the shores of the lake, to the western boundary of Pennsylvania, and south with the same, to the place of beginning.

Boundaries of Jefferson.

June 22, 1798.

The western boundary of the county of Hamilton, shall begin at the spot on the bank of the Ohio river, where the general boundary line between the lands of the United States and the Indian tribes, established at Greenville, the third day of August, 1795, intersects the bank of that river, and run with that general boundary line to fort Recovery, and from thence by a line to be drawn due north from fort Recovery, until it intersects the southern boundary line of the county of Wayne and the said line from the Ohio to fort Recovery, and from thence to the southern boundary of the county of Wayne, shall also be the eastern boundary of the county of Knox.

Boundaries of Hamilton, Wayne and Knox altered.

August 20, 1798.

Boundaries of Ross. Beginning at the forty-second mile tree, on the line of the original grant of land by the United States to the Ohio Company, which line was run by Israel Ludlow, and running from thence west, until it shall intersect a line to be drawn due north from the mouth of Elk river, (commonly called Eagle creek) and from the point of intersection running north, to the southern boundary of the county of Wayne, and from thence easterly with the said boundary of Wayne, until a north line to be drawn from the place of beginning, shall intersect the same; and if it should be found that a north line drawn from the place of beginning, will not intersect the said southern boundary of Wayne, then an east line is to be drawn from the eastern termination of the said boundary, until it shall intersect the aforesaid north line to be drawn from the place of beginning.

August 20th, 1798—took effect — September.

Part of Hamilton attached to Adams.

To begin on the bank of the Ohio, where Elk river or Eagle creek, empties into the same, and run from thence due north, until it intersects the southern boundary of the county of Ross; and all and singular the lands lying between the said north line and Elk river or Eagle creek, shall, after the said ——— day of September next, be separated from the county of Hamilton, and added to the county of Adams.

July 10th, 1800.

Boundaries of Trumbull.

Beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary of Pennsylvania, and running from thence by a line to be drawn north parallel to and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees two minutes north latitude; thence with a line to be drawn east, until it intersects the said western boundary of Pennsylvania; thence with the said western boundary of Pennsylvania south, to the completion of the forty-first degree of north latitude, and from thence west to the place of beginning.

December 6, 1800.

Boundaries of Clermont.

Beginning at the mouth of Nine mile or Muddy creek, where it discharges itself into the Ohio, and running from thence with a straight line, to the mouth of the east branch of the Little Miami river; thence with the Little Miami river, to the mouth of O'Banion's creek; thence with a due east line, until it shall intersect a line drawn due north from the mouth of Elk river or Eagle creek; thence with that line south, to the mouth of the said Elk river or Eagle creek, and from thence with the Ohio, to the place of beginning.

December 9, 1800.

Boundaries of Fairfield.

Beginning at a point in the east line of the 15th range of townships, and west of the fourteenth range, as surveyed in pursuance of the ordinance of Congress of the 20th of May,

1795, where the said line intersects the south boundary line of the military land, and running from thence north, until it intersects the Indian boundary line; thence returning to the before mentioned, and running south by the said range line between the 14th and 15th ranges, until it intersects the north boundary line of the Ohio Company's Purchase; thence with the said northern boundary line due west, to the northwest corner of the said Ohio Company's Purchase; thence south, six miles; thence with a line drawn due west, until it intersects the western boundary of the 20th range of townships; thence with the western boundary of the said 20th range, to the before mentioned Indian boundary line, and with that line of limit to the before mentioned intersection of that boundary line.

September 7, 1801.

Beginning on the Ohio river, at the middle of the fourth township of the second range of townships, in the seven ranges, and running with the line between the third and fourth sections of that township north, to the western boundary of the said seven ranges; thence south with the said western boundary, to the middle of the fifth township, in the seventh range of townships; thence east with the line between the third and fourth sections of the said fifth township, to the Ohio river; and from thence with the Ohio river to the place of beginning.

Boundaries of Belmont.

January 31, 1807, 5 v. p. 104.

SEC. 1. That all that part of the seventh range of townships, surveyed under the authority of the United States, which lies west of the western boundary of the county of Jefferson, be, and the same is hereby, attached to and made a part of, the county of Jefferson; and all officers of the county of Jefferson or elsewhere, are hereby required to govern themselves accordingly.

Part of the seventh range attached to Jefferson.

February 20, 1809, 7 v. p. 143.

SEC. 1. That all that part of the county of Ashtabula, which lies south of the township number nine, be annexed to, and become a part of Trumbull county.

Part of Ashtabula attached, &c.

February 10, 1814, 12 v. p. 146.

SEC. 1. That all that part of the county of Washington, contained in the sections numbers thirty-one and thirty-two, in the sixth township, in the eleventh range, in the Ohio Company's Purchase, shall be attached to and become a part of the county of Athens, and all that part of the county of Athens, contained in sections numbers eleven and twelve, in the eighth township and twelfth range shall be attached to and become a part of the county of Washington.

Part of Washington attached to Athens, &c.

March 24, 1803—took effect May 1, 1 v. p. 8.

SEC. 1. That all that tract of country comprehended in the following boundaries, be, and the same is hereby, erected into a county by the name of the county of Scioto, to

Boundaries of Scioto.

wit: beginning on the Ohio, one mile on a straight line below the mouth of the lower Twin creek; thence north to Ross county line; thence east with said county line to the line of Washington county; thence south with said line to the Ohio; thence with the Ohio to the place of beginning.

December 29, 1804—3 v. p. 294.

Part of Gallia
attached to
Scioto.

SEC. 1. That so much of the county of Gallia as lies west of the seventeenth range of townships, be, and the same is hereby, annexed to the county of Scioto.

January 20, 1818—took effect March 1, 16 v. p. 77.

Part of Lawrence
attached to
Scioto.

SEC. 1. That all that part of the county of Lawrence that lies in townships number three and four, in the nineteenth range of said county, be, and the same is hereby, attached to the county of Scioto.

March 24, 1803—took effect May 1, 1 v. p. 9.

Boundaries of
Warren.

SEC. 1. That all that part of the county of Hamilton, included within the following bounds, viz: beginning at the northeast corner of the county of Clermont; running thence west with the line of said county to the Little Miami; thence up the same, with the meanders thereof, to the north boundary of the first tier of sections in the second entire range of townships in the Miami Purchase; thence west to the northeast corner of section number seven, in the third township of the aforesaid range; thence north to the Great Miami; thence up the same to the middle of the fifth range of townships; thence east to Ross county line; thence with the same south to the place of beginning, shall compose one new county, to be called and known by the name of Warren.

Boundaries of
Butler.

SEC. 2. That all that part of the county of Hamilton included within the following bounds, viz: beginning at the southwest corner of the county of Warren, running thence west to the state line; thence with the same north to a point due west from the middle of the fifth range of townships in the Miami Purchase; thence east to the northwest corner of the aforesaid county of Warren; thence bounded by the west line of the said county of Warren to the place of beginning.

Boundaries of
Montgomery.

SEC. 3. That all that part of the county of Hamilton included within the following boundaries, viz: beginning on the state line, at the northwest corner of the county of Butler; thence east with the lines of Butler and Warren, to the east line of section number sixteen in the third township and fifth range; thence north eighteen miles; thence east two miles; thence north to the state line; thence with the same to the west boundary of the state; thence south with the said boundary to the beginning, shall compose a third new county, called and known by the name of Montgomery.

Boundaries of
Green.

SEC. 4. That all that part of the county of Hamilton and Ross included in the following bounds, viz: beginning at the southeast corner of the county of Montgomery; running thence east to Ross county line, and the same course continu-

ed eight miles into the said county of Ross; thence north to the state line; thence westwardly with the same to the east line of Montgomery county; thence bounded by the said line of Montgomery to the beginning.

January 30, 1815—took effect March 1, 13 v. p. 109.

SEC. 1. That all that part of the county of Butler, lying ^{Part of Butler} and being within the first and second fractional townships, in ^{attached to} the fifth range, and adjoining the south line of Montgomery ^{Warren,} county, shall be, and the same is hereby, attached to and made a part of the county of Warren.

March 25, 1803, 1 v. p. 15.

SEC. 1. That all that part of the counties of Jefferson ^{Boundaries of} and Washington, as comes within the following boundaries, ^{Columbiana,} be, and the same is hereby laid off and erected into a separate county, which shall be known by the name of Columbiana: beginning at the mouth of Yellow creek, on the north side of the same; thence up said creek, with the meanders thereof, to the northern boundary of the eighth township in the second range; thence with the same, west, to the western boundary of the seventh range; thence north, to the northwest corner of the sixteenth township in the said seventh range; thence west, on the south boundary of the ninth townships in the eighth and ninth ranges to the Muskingum river; thence up the said river, with the meanders thereof, to the southern boundary of the county of Trumbull; thence with the same east, to the Pennsylvania line; thence with the said line south, to the Ohio river; thence down the same, with the meanders thereof to the beginning.

SEC. 2. That from and after the first day of May next, ^{Commence-} the said county shall be vested with all the powers, privileges ^{ment.} and immunities of a separate and distinct county.

March 25, 1803—took effect May 1, 1 v. p. 19.

SEC. 1. That all that part of the county of Washington, ^{Boundaries of} included within the following boundaries, viz: beginning at ^{Gallia.} the mouth of Shade river; thence up the same, with the meanders thereof, until it intersects the east and west line between the third and fourth townships in the eleventh range; thence west with the same to the east boundary of Ross county; thence south with the same, to the northeast corner of the county of Adams; thence with the easterly boundary of the same to the Ohio river; thence up the same, with the meanders thereof, to the place of beginning.

March 30, 1803—took effect May 1, 1. v. p. 26.

SEC. 1. That all that part of the county of Ross, contained ^{Boundaries of} within the following boundaries, to wit: beginning on the ^{Franklin.} western boundary of the twentieth range of townships east of the Scioto river, at the corner of sections number twenty-four and twenty-five, in the ninth township of the twenty-first range, surveyed by John Matthews; thence west until it intersects the eastern boundary line of Green county;

thence north with the said line until it intersects the state line; thence eastwardly with the said line, to the northwest corner of Fairfield county; thence with the western boundary line of Fairfield to the point of beginning.

January 27, 1817, 15 v. p. 169.

Part of Licking attached to Franklin.

SEC. 1. That the territory contained within the western half of the fifth section and the whole of the sixth section, and in the seventh, eighth, ninth, twenty-eighth, twenty-ninth and thirtieth, half sections of the sixteenth township, twentieth range, (being a part of what is commonly called the Canada and Nova Scotia Refugee Lands) in the county of Licking, be, and the same is hereby, attached to the county of Franklin, and shall form a part of Plain township in said county.

January 7, 1804—took effect March 1, 2 v. p. 68.

Boundaries of Muskingum.

SEC. 1. That so much of the counties of Washington and Fairfield, as comes within the following boundaries, be, and the same is hereby, erected into a separate and distinct county, which shall be known by the name of Muskingum, to wit: beginning at the northwest corner of the ninth township, in the ninth range of the United States Military Lands; thence with the western boundary line of said range, south, to the southern boundary line of said Military Lands; thence with the same, west, to the western boundary line of the fifteenth range of public lands; thence with the said line, south, to the southwest corner of the sixteenth township of the fifteenth range; thence eastwardly with the south boundary of the sixteenth township, till it intersects the west boundary of the twelfth range; thence with the sectional lines, east, to the western boundary line of the seventh range; thence with the same, north, to the northeast corner of the Military Tract; thence with the north boundary line of the tenth township in the first and second ranges of said Military Lands, west, until intersected by the Indian boundary line; thence with the same, westwardly, to the place of beginning.

February 18, 1805, 3 v. p. 256.

Boundaries of Highland.

SEC. 1. That all that part of the counties of Ross, Adams and Clermont, within the following boundaries, be, and the same is hereby, laid off and erected into a separate county, which shall be known by the name of Highland; beginning at the twenty mile tree, in the line between Adams and Clermont counties, which is run north from the mouth of Eagle creek on the Ohio river; and running thence east twelve miles; thence northeastwardly until it intersects the line which was run between the counties of Ross and Scioto and Adams, at the eighteen mile tree from the Scioto river; thence northwardly to the mouth of the Rocky fork of Paint creek; thence up main Paint creek, by the head thereof, including John Watt's survey of one thousand acres, on which the town of Greenfield is situate, to the south line of Franklin

county; thence with said line west to the east line of Green county; thence with said line south, to the southeast corner of said county; thence with the south line thereof, west, to the northeast corner of Clermont county, and from the beginning west, to the north fork of Whiteoak creek; thence north, to the south line of Warren county; thence with said line east to the corner between Clermont and Warren counties.

SEC. 2. That from and after the first day of May next, ^{Commence-} said county shall be vested with all the powers, privileges ^{ment.} and immunities of a separate and distinct county.

February 20, 1805—took effect March 1, 3 v. p. 283.

SEC. 1. That so much of the county of Washington as is ^{Boundaries of} contained in the following boundaries, be, and the same is ^{Athens.} hereby, erected into a separate county, which shall be known by the name of Athens, to wit: beginning at the southwest corner of township number ten, range seventeen; thence easterly with the line between Gallia and Washington counties, to the Ohio river; thence up said river to the mouth of Big Hockhocking river; thence up the said Hockhocking river, to the east line of township number six, of the twelfth range; thence north on said line to the northeast corner of the eighth township, in the said twelfth range; thence west, to the east line of Fairfield county; thence south on said county line, and the line of Ross county, to the place of beginning.

February 18, 1807, [1808] 6 v. p. 149.

SEC. 1. That all that part of the county of Washington, ^{Part of Wash-} included within the following boundaries, be, and the same ^{ington attach-} is hereby, attached to, and made a part of the county of ^{ed to Athens.} Athens, viz: beginning at the mouth of the Great Hockhocking river; thence up the river Ohio, until it intersects the line of the fifth township, in the eleventh range; thence north on the said line to the corner of said township number five; thence west with the township line to the Hockhocking river; thence up the said river until it intersects the line dividing the said counties of Washington and Athens.

SEC. 2. That all that part of the county of Athens, ^{Part of Athens} comprised within the following boundaries, be, and the same is ^{attached to} hereby, attached to, and made part of the county of Wash- ^{Washington.} ington, viz: beginning at the southeast corner of section number four, in the sixth township and twelfth range; thence west to the southwest corner of said section; thence north with the sectional line, to the north boundary line of Athens county; thence east with the township line, to the line of Washington county.

February 20, 1805—took effect March 1, 3 v. p. 285.

SEC. 1 That so much of the counties of Green and Frank- ^{Boundaries of} lin, as comes within the following boundaries, be, and the ^{Champaign} same is hereby, erected into a separate and distinct county, which shall be known by the name of Champaign, viz: beginning where the range line between the eighth and ninth

ranges, between the Great and Little Miami intersects the eastern boundary of the county of Montgomery; thence east to the eastern boundary of the county of Green, and to continue six miles in the county of Franklin; thence north to the state line; thence west with said line until it intersects the said eastern boundary of the county of Montgomery; thence to the place of beginning.

December 31, 1805—took effect March 1, 4 v. p. 65.

Boundaries of
Geauga.

SEC. 1. That all that part of the county of Trumbull, lying north and east of a line, beginning on the east line of said county, on the line between townships number eight and nine, as known by the survey of said county, and running west on the same to the west line of range number five; thence south on said west line of range five, to the northwest corner of township number five; thence west on the north line of township number five, to the middle of Cuyahoga river, where the course of the same is northerly; thence up the middle of said river, to the intersection of the north line of township number four; thence west on the said north line of township number four, to the west line of range fourteen, wherever the same shall run when the county west of the Cuyahoga river, shall be surveyed into townships or tracts of five miles square each, and thence north to Lake Erie, shall be, and the same is hereby set off and erected into a new county, by the name of Geauga.

February 10, 1807—took effect June 7, 6 v. p. 4.

Part of West-
ern Reserve
attached to
Geauga.

SEC. 6. That all that part of the Connecticut Western Reserve, which lies west of the Cuyahoga river, and north of the townships numbered four, shall belong to, and be a part of the county of Geauga, until the county of Cuyahoga shall be organized.

January 16, 1807—took effect March 1, 5 v. p. 94.

Boundaries of
Miami.

SEC. 1. That all that part of the county of Montgomery be, and the same is hereby, laid off and erected into a separate and distinct county, which shall be called and known by the name of Miami, to wit: beginning at the southwest corner of Champaign county, and southeast corner of section number one, in township number two, and range number nine; thence west with the line between the eighth and ninth ranges to the Great Miami river, crossing the same in such direction, as to take the line on the bank of the said river, between townships number three and four, in range number six, west of the said river; thence west with the said line to the state line; thence north with the same to the Indian boundary line; thence east with the same to Champaign county line; thence south with the said county line to the place of beginning.

Commence-
ment.

SEC. 2. That from and after the first day of April next, said county of Miami shall be vested with all the powers, privileges and immunities of a separate and distinct county.

January 7, 1812, 10 v. p. 23.

[SEC. 1.] That all that part of the county of Montgomery Part of Mont- lying north of the county of Miami, shall be, and the same gomery at- is hereby attached to the said county of Miami, and all that ached to Mi- part lying north of the county of Dark, shall be, and the ami, &c. same is hereby attached to the said county of Dark.

February 10, 1807—took effect June 7, 6 v. p. 3.

SEC. 1. That all that part of the county of Trumbull, Boundaries of which lies west of the fifth range of townships, be erected Portage. into a separate county, by the name of Portage.

SEC. 3. That all that part of the Connecticut Western A certain dis- Reserve, that lies west of the Cuyahoga river, and south of trict attached the townships numbered five, shall be annexed to, and be- to Portage. come part of the county of Portage.

January 22, 1811, 9 v. p. 28.

SEC. 3. That the west line of the eleventh range of the West line est Connecticut Western Reserve, shall be the west line of the ablished. county of Portage.

February 10, 1807—took effect June 7, 6 v. p. 4.

SEC. 7. That all that part of the county of Geauga, which Boundaries of lies west of the ninth range of townships, shall be a distinct Cuyahoga. and separate county, by the name of Cuyahoga; to be organized, whenever its population shall be sufficient to require the same.

January 16, 1810—took effect May 1, 8 v. p. 34.

SEC. 1. That the county of Cuyahoga be, and the same Organized. is hereby organized into a separate county.

January 16, 1810—took effect May 1, 8 v. p. 34.

SEC. 2. That the county of Huron, (as designated by an Huron, &c. act of the legislature, passed the seventh day of February, attached to 1809,) and also, the lands lying north of township number Cuyahoga. four, and west of the fourteenth range of townships, and east of said Huron county, shall be attached to, and be a part of the county of Cuyahoga, until the same shall be organized into a separate county, or be otherwise disposed of by law.

January 22, 1811, 9 v. p. 27.

SEC. 1. That the county of Cuyahoga shall extend from Boundaries of the southwest corner of number five, in the fourteenth range Cuyahoga al- of the Connecticut Western Reserve, to the southwest cor- tered. ner of number five, in the sixteenth range; thence north by the west line of the sixteenth range, to the northwest corner of number five, in the sixteenth range; thence west to the middle of Black river; thence down the middle of said river to Lake Eric.

February 18, 1812, 10 v. p. 122.

SEC. 1. That the west line of Cuyahoga county, shall be Boundaries of continued from the northwest corner of number five in the Cuyahoga al- sixteenth range, then north to the northwest corner of num- tered. ber six in the sixteenth range, then west to Black river.

Part of act re-
pealed.

SEC. 3. That so much of the act to alter the west line of Cuyahoga, the east line of Huron, and to establish a west line to the county of Portage, as comes within the meaning of this act, is hereby repealed.

February 10, 1807—took effect June 7, 6 v. p. 4.

Boundaries of
Ashtabula.

SEC. 5. That all that part of Trumbull and Geauga counties, which lies north of the townships numbered seven, and east of the sixth range of townships, shall be a distinct and separate county, by the name of Ashtabula; to be organized, whenever its population shall be sufficient to require the same.

January 22, 1811—took effect May 1, 9 v. p. 42.

Organized.

SEC. 1. That the county of Ashtabula be, and the same is hereby organized into a separate county.

January 30, 1808—took effect March 1, 6 v. p. 21.

Boundaries of
Licking.

SEC. 1. That all that part of the county of Fairfield, within the following boundaries, be, and the same is hereby laid off into a separate county, which shall be known by the name of Licking: beginning at the northeast corner of township number seventeen, in range sixteen; thence west, with the township line, to the west boundary of the seventeenth range; thence south, to the northeast corner of the twenty-fourth section, in township seventeen, in the eighteenth range; thence west, on the sectional lines, to the west boundary of the twentieth range; thence north, to the south boundary of the military tract; thence east, along the south boundary of the military tract to the line between the fifteenth and sixteenth ranges of the aforesaid Military tract, which line shall be the east line of Franklin county; thence north, along said range line, to the northwest corner of the fourth township of the fifteenth range of said lands; thence east, along the northern boundary line of the fourth tier of townships, to the northeast corner of the fourth township, in the tenth range; from thence south, along the western boundary line of Muskingum county, to the place of beginning.

January 30, 1808—took effect March 1, 6 v. p. 22.

Boundaries of
Knox.

SEC. 2. That all that tract of country included in the following boundaries, be, and the same is hereby, laid off into a separate county, which shall be known by the name of Knox: beginning at the southeast corner of the fifth township of said tenth range; thence west, along the northern boundary line of said county of Licking, to the line between the fifteenth and sixteenth ranges aforesaid; thence north, to the northern boundary of the Military Land aforesaid; thence westwardly, along said northern boundary line, to the western boundary of the twentieth range of the lands of the United States, lying north of said Military Lands; thence north, on said western boundary line, to the northwest corner of the seventeenth township in said range; thence east, until it intersects the said north boundary of the Military

Land; thence eastwardly along said northern boundary line, to the east boundary of said tenth range in the Military Lands; from thence south along said range line to the place of beginning.

January 30, 1808—took effect March 1, 6 v. p. 23.

SEC. 7. That all that tract of country lying north of the ^{Boundaries of} aforesaid county of Knox, and south of the Connecticut West- ^{Richland} ern Reserve, and so far east as the line between the fifteenth and sixteenth ranges of Congress lands, shall be, and is hereby, erected into a separate county, by the name of Richland; and shall be under the jurisdiction of the county of Knox, until the legislature may think proper to organize the same.

January 7, 1813—took effect 1st Monday of March, 11 v. p. 21.

SEC. 1. That the county of Richland, be, and the same is ^{Organized,} hereby, organized into a separate county.

February 10, 1808, 6 v. p. 29.

SEC. 1. That all that part of Franklin county included in ^{Boundaries of} the following bounds, be, and the same is hereby, laid off and ^{Delaware.} erected into a separate and distinct county, by the name of Delaware, viz: beginning at the southeast corner of township number three, in the sixteenth range of the United States' Military District; thence west, with the line between the second and third tier of townships, to the Scioto river, and continued west, to the east boundary of Champaign county; thence, with the said boundary, north, to the Indian boundary line; thence eastwardly, with said line, to the point where the north and south line between the fifteenth and sixteenth ranges of the United States' Military District, intersects the same; thence south, with the said last mentioned line to the place of beginning.

SEC. 2. That from and after the first day of April next, the ^{Commence,} said county of Delaware, shall be vested with all the privi- ment. leges, powers and immunities of a separate and distinct county.

February 17, 1809, 7 v. p. 156.

SEC. 1. That all that part of Franklin county lying north ^{Part of Frank,} of the county of Delaware, be, and the same is hereby an- lin attached, nexed to the county of Delaware. ^{&c.}

February 13, 1808, 6 v. p. 154.

SEC. 1. That the following tract of country, be, and the ^{Boundaries of} same is hereby erected into a separate county, by the name ^{Stark.} of Stark, viz: beginning on the southern boundary of the Connecticut Reserve, at the northeast corner of township number nineteen, in the sixth range; thence running south between the fifth and sixth ranges to the southeast corner of the fifteenth township of said sixth range; thence with the township line west, until it intersects the eastern boundary line of the United States Military District; thence with the said eastern boundary line north, to the northeast corner of the tenth township, in the first range of said Military District; thence with the township lines west until it intersects the Indi-

an boundary line; thence with said Indian boundary line to the northwest corner of fractional township number ten, of the tenth range, in the new purchase, south of the Connecticut Reserve; thence north with the line running between the tenth and eleventh ranges to the northwest corner of township number two, of the tenth range; thence east with the southern boundary line of the Connecticut Reserve, to the place of beginning.

Commence-
ment.

SEC. 2. That the said county of Stark, shall, from and after the first day of January, one thousand eight hundred and nine, be, and the same is hereby declared to be a separate and distinct county, and entitled to all the rights and privileges appertaining to the same.

February 13, 1808, 6 v. p. 155.

Boundaries of
Wayne.

SEC. 3. That all that tract of country, lying west of the tenth range, and east of the sixteenth range in the said new purchase, and south of the Connecticut Reserve, and north of the United States' Military District, shall be a separate and distinct county, by the name of Wayne, but with the county of Stark, shall be attached to, and made a part of Columbiana county, until the said county of Stark shall be organized, and shall thereafter be, and remain a part of the said county of Stark, until otherwise directed by law.

January 4, 1812—took effect March 1, 10 v. p. 17.

Organized.

SEC. 1. That the county of Wayne, be, and the same is hereby organized into a separate county.

February 13, 1808, 6 v. p. 163.

Boundaries of
Tuscarawas.

SEC. 1. That all that part of the county of Muskingum, lying within the following boundaries, viz: beginning at the northeast corner of the United States Military Lands; thence west with the north boundary of said tract to its intersection with the late Indian boundary line; thence westwardly with said line, to the west boundary of the fourth range, in said Military Tract; thence south along the west boundary of said fourth range to the southwest corner of the township therein; thence east between the fourth and fifth townships, in the third, second, and first ranges, to the east boundary of the said United States Military Tract; thence north with said boundary to the beginning, shall be erected into a county by the name of Tuscarawas.

Commence-
ment.

SEC. 2. That from and after the fifteenth day of March next, the said county of Tuscarawas, shall be vested with all the powers, privileges and immunities of a separate and distinct county.

February 11, 1809, 7 v. p. 142.

Part of Jeffer-
son attached,
&c.

SEC. 1. That so much of the county of Jefferson, as lies west of the fifth range, be, and the same is hereby annexed to, and made a part of the county of Tuscarawas..

February 15, 1808—took effect March 1, 6 v. p. 164.

Boundaries of
Preble.

SEC. 1. That all that part of Montgomery and Butler counties included in the following boundaries, be, and the

same is hereby, laid off and erected into a separate and distinct county, which shall be called and known by the name of Preble, to wit: beginning at the southwest corner of the sixth township, first range east of the meridian drawn from the mouth of the Great Miami; thence east along said township line to the range line between the third and fourth ranges; thence north to the northeast corner of the seventh township, in the third range; thence west along the township lines to the state line; thence south to the place of beginning.

SEC. 2. That from and after the first day of March next, said county of Preble, shall be vested with all the powers, privileges and immunities of a separate and distinct county.

January 3, 1809, 7 v. p. 69.

SEC. 1. That so much of the county of Miami as lies west of the middle of the fourth range of townships, east of the meridian drawn from the mouth of the Great Miami, be, and the same is hereby erected into a separate county, by the name of Dark.

SEC. 2. That the said county of Dark, be, and remain attached to the county of Miami, until the legislature shall think proper to organize the same.

December 14, 1816—took effect March 1, 15 v. p. 5.

SEC. 1. That the county of Dark, be, and the same is hereby, organized into a separate county..

February 7, 1809 7 v. p. 194

SEC. 1. That [all] that part of the Connecticut Reserve, called the Fire Lands, beginning at the southwest corner of said Reserve, then north to the north boundary line of the United States; then easterly along said line, to where the east line of the twentieth range would intersect said boundary line; then south along the east line of the twentieth range, to the south line of the said Reserve, which east line of the twentieth range, is the east line of the Fire Lands, so called; then west along the south line of said Reserve, to the place of beginning, be, and is hereby erected into a county, by the name of Huron, to be organized whenever the legislature shall hereafter think proper, but to remain attached to the counties of Portage and Geauga, as already by law provided, except as herein after provided.

January 22, 1811, 9 v. p. 28.

SEC. 2. That the east line of Huron county shall extend from the northeast corner of number four, in the twentieth range, to the southwest corner of number five, in the sixteenth range; thence north to the northwest corner of number six, in the sixteenth range; then west to the middle of Black river; then down the middle of Black river to Lake Erie.

January 31, 1815—took effect April 1, 13 v. p. 113.

SEC. 1. That the county of Huron be, and the same is hereby, organized into a separate county.

A certain district attached to Huron. SEC. 3. That all that part of the state of Ohio, lying westwardly of Huron county, northwardly of the south line of the Connecticut Western Reserve extended westwardly, and eastwardly of the east line of Champaign county, extended due north to the north line of the state, be, and the same is hereby, attached to Huron county for judicial purposes.

January 10, 1810—took effect March 1, 8 v. p. 41.

Boundaries of Pickaway. SEC. 1. That all that part of the counties of Ross, Franklin and Fairfield, within the following boundaries be, and the same is hereby, erected into a separate county, to be known by the name of Pickaway: beginning on the east side of the Scioto river, at the intersection of a line between township two and three, of range twenty-two, Worthington's survey; thence east with the township lines, to the southeast corner of township number eleven, and range twenty; thence north with the range line, to the northeast corner of section number one, of township eleven, in range twenty; thence west with the township line to the northwest corner of said township; thence north, with the range line, to the northeast corner of section number thirteen, in township ten, of range twenty-one, Matthew's survey; thence west to the Scioto river; thence west from the Scioto river, twelve miles; thence south twenty miles; thence east to the Scioto river; thence down said river to the place of beginning.

Commencement. SEC. 2. That from and after the first day of March next, said county shall be vested with all the privileges and immunities of a separate and distinct county.

January 31, 1810—took effect March 1, 8 v. p. 65.

Boundaries of Guernsey. SEC. 1. That all that part of the counties of Muskingum and Belmont, within the following boundaries be, and the same is hereby, erected into a separate county, to be known by the name of Guernsey: beginning at the centre of the fourth range, on the line between the fourth and fifth tier of townships, in said range (of the United States' Military Lands;) thence east with said line, to the western boundary of the seventh range; thence south, to the southwest corner of the county of Tuscarwas; thence east, through the centre of the eleventh township, of the seventh range (of Congress Lands) to the line between the sixth and seventh ranges; thence south with said line, to the northern boundary of the county of Washington; thence west with the said boundary through the centre of the fifth township, of the seventh range, to the western line of said seventh range; thence north, to the centre of the sixth township, of the eighth range; thence west with the northern boundary of Washington county, to the line between the tenth and eleventh ranges; thence north with the said line, to the southern boundary of the United States' Military Lands; thence west with the said line, to the southwest corner of the first township in the fourth range; thence north, to the northwest corner of the

third township, of the fourth range; thence east, to the centre of the fourth range; thence north, to the place of beginning.

SEC. 2. That from and after the first day of March next, Commence-
the said county of Guernsey shall be vested with all the pri- ment.
vileges and immunities of a separate and distinct county.

January 31, 1810—took effect March 1, 8 v. p. 81.

SEC. 1. That all those parts of the counties of Muskingum Boundaries of
and Tuscarawas, lying in the following boundaries, be, and Coshocton.
the same is hereby, erected into a separate county, by the
name of Coschocton: beginning at the southwest corner of
the fourth township of the ninth range, (United States Mili-
tary Lands;) thence east with the line between the third and
fourth tier of townships to the centre of the fourth range;
thence north through the centre of said range, to the line,
between the fourth and fifth tier of townships; thence east
to the line between the third and fourth ranges; thence north
to the line between the sixth and seventh tier of townships;
thence west with said line, to the line between the fourth
and fifth ranges; thence north with said line to the Indian
boundary; thence westerly with said boundary line, to the
line between the ninth and tenth ranges; thence south with
said line, to the place of beginning.

SEC. 2. That the said county of Coshocton, be, and remain Attached to
attached to the county of Muskingum, until the legislature Muskingum.
shall think proper to organize the same.

January 22, 1811—took effect April 1, 9 v. p. 32.

SEC. 1. That the county of Coshocton, be, and the same Organized.
is hereby, organized into a separate county.

February 16, 1810—took effect March 1, 8 v. p. 248.

SEC. 1. That all that part of the county of Franklin lying Boundaries of
west of Franklinton, is hereby erected into a separate county, Madison.
and bounded as followeth, viz: beginning at the southwest
corner of Delaware county; thence east, with the south bound-
ary of the said county line to a point that a line running due
south will be the distance of twelve and one half miles west of
the county seat of Franklin county; thence on a straight line,
to the northwest corner of the county of Pickaway; thence
with said line south, until it intersects the line of Ross county;
thence west with said line, to the line of Green county; thence
north with the line of Green, to Champaign county line;
thence with Champaign line, to the place of beginning.

SEC. 2. That the said county of Madison shall, from and Commence-
after the first day of March next, be, and the same is hereby ment.
declared to be, a separate and distinct county, and entitled
to all the rights and privileges appertaining to the same.

January 16, 1818—took effect March 1, 16 v. p. 75.

SEC. 1. That all that part of Champaign county, east of Part of Cham-
the eastern boundary of Clark county, be, and the same is paign attach-
hereby attached to the county of Madison. ed to Madison

January 10, 1820—took effect April 1, L. L. 1819—20, p. 58.

Part of Frank-
lin attached
to Madison.

SEC. 9. That so much of the county of Franklin, as lays within the following boundary, to wit: beginning on the line between the counties of Franklin and Madison, at a point two and one half miles south of the north boundary of said counties, thence east two miles, thence south four miles, thence west two miles, thence north to the place of beginning, be attached to and hereafter considered a part of the county of Madison.

January 19, 1810—took effect March 1, 8 v. p. 138.

Boundaries of
Fayette.

SEC. 1. That all those parts of Ross and Highland counties, included in the following boundaries, be, and the same are hereby, laid off and erected into a separate and distinct county, which shall be called and known by the name of Fayette, viz: beginning at the southwest corner of the county of Pickaway; thence north, with the line of said county, to the corner of Madison; thence west with the line of said Madison county, to the line of Green county; thence south with Green county, to the southeast corner thereof; thence east five miles; thence south to the line of Highland county; thence east with said line, to Paint creek; thence a straight line to the place of beginning.

February 19, 1810—took effect March 1, 8 v. p. 236.

Boundaries of
Clinton.

SEC. 1. That all those parts of the counties of Warren and Highland, within the following boundaries, be, and the same are hereby, erected into a separate county, to be known by the name of Clinton: beginning at the southeast corner of Green county, running east five miles; thence south to Highland county line; thence west with said line, within four miles of the eastern line of Warren county; thence southwardly so far as to intersect a line one mile east from the southeast corner of Warren county; thence west, and from the beginning west, so far that a line south will leave Warren county a constitutional boundary.

February 4, 1813, 11 v. p. 67.

Part of High-
land attached
to Clinton.

SEC. 1. That all that part of Highland county, within the following boundaries be, and the same is hereby attached to, and shall remain in the county of Clinton, beginning at the southeast corner of Clinton county, adjoining Fayette county; thence running a line on a southwesterly direction to strike the line of Clinton county, at such point as to include four hundred square miles in the said county of Clinton.

Surveyor's
duty.

SEC. 2. That the county surveyor of the county of Ross, shall, within thirty days after being duly notified by the commissioners of Clinton county, proceed to survey said county of Clinton, and annex thereto, so much of the county of Highland as shall make said county of Clinton contain four hundred square miles, agreeably to the provisions of the first section of this act; and said surveyor, shall take to his assistance, chain-men, and axe-men, who are not inhabitants

of either of the counties of Clinton, Warren or Highland, and who have no interest therein, who shall be duly sworn as the law directs; and said surveyor shall make out two accurate surveys or plats thereof, one of which he shall return to the clerk of the court of common pleas for said county of Clinton, who shall record the same in the records of the court of said county, and the other he shall deposit in the office of the secretary of state, who shall preserve the same with this act, which survey, when so made and recorded, shall be the perpetual boundaries of said county of Clinton.

January 30, 1815—took effect March 1, 13 v. p. 109.

SEC. 2. That eleven square miles of the territory of the county of Warren, lying upon the eastern boundary of the county of Warren, and extending parallel to the said eastern boundary of Warren county, along the whole length of such eastern boundary from north to south, shall be, and the same is hereby, attached to and made a part of the county of Clinton; and the surveyor of the county of Ross, shall, within thirty days after being duly notified by the commissioners of Clinton county, proceed to survey and set off to the county of Clinton, the eleven square miles as aforesaid, by running a straight line, from north to south, through the county of Warren, parallel to the eastern boundary thereof so as to include the eleven square miles aforesaid; and said surveyor shall take to his assistance chain men and axe men, who are not inhabitants of the counties of Clinton or Warren, who shall be duly sworn as the law directs; and said surveyor shall make out two accurate copies of the field notes of the line so run as aforesaid, and deposit one with the clerk of the county of Clinton, and the other in the office of the secretary of state, who shall preserve the same with this act; and thereafter the line so run as aforesaid shall be the western boundary line of the county of Clinton.

Part of Warren attached to Clinton.

SEC. 4. That three square miles and eighteen acres of the county of Highland, to be laid off in manner herein after prescribed, shall be and the same is hereby attached to the county of Clinton: beginning where the line run by the surveyor of the county of Ross, as described in the foregoing section, crosses the east fork of the Little Miami river, and extending down the said east fork, until a line due west to the line of the county of Clermont, between Clermont and Highland counties, will include in the county of Clinton three square miles, and eighteen acres of land as aforesaid; and the same shall be surveyed and laid off by the surveyor of the county of Ross, in the same manner as is prescribed by the second section of the act to attach part of Highland county to the county of Clinton, passed the fourth of February, eighteen hundred and thirteen.

Part of Highland land attached to Clinton.

February 18, 1812, 10 v. p. 122.

Boundaries of Medina. SEC. 2. That all that part of the Connecticut Western Reserve, lying west of the eleventh range, south of the numbers five and east of the twentieth range, shall be a separate and distinct county, by the name of Medina, and until organized, shall be attached to and be a part of the county of Portage.

January 14, 1818, 16 v. p. 69.

Organized. SEC. 1. That the county of Medina be, and the same is hereby, organized into a separate county.

January 2, 1813—took effect January 1, 1814, 11 v. p. 11.

Boundaries of Harrison. SEC. 1. That all that part of the counties of Jefferson and Tuscarawas, included within the following limits, to wit: beginning at the point on the range line, between the third and fourth ranges of townships in the Steubenville district, where the north line of the county of Belmont crosses the same; thence north, on the range line to the centre of township number eleven in the fourth range; thence west through the centre of said township until it intersects the range line between the fourth and fifth ranges; thence north to the south boundary line of Columbiana county; thence west with the southern boundary line of Columbiana and Stark counties to the centre of township number fourteen in the sixth range; thence south through the fourteenth and thirteenth townships to the south boundary line of the thirteenth township, in the sixth range; thence west with said township line to the line between the sixth and seventh ranges; thence south with said range line to the line between the twelfth and thirteenth townships of the seventh range; thence west to the west boundary line of the seventh range; thence south with said range line to the northern boundary line of Guernsey and Belmont counties; thence east with said county line to the place of beginning, shall be a separate and distinct county by the name of the county of Harrison.

January 29, 1813, 11 v. p. 57.

Boundaries of Monroe. SEC. 1. That so much of the counties of Belmont, Washington and Guernsey, as comes within the following boundaries, viz: beginning at the Ohio river, in Belmont county, on the township line, between the third and fourth townships in the third range; thence running west along the township line to the line running between the seventh and eighth ranges, in the county of Guernsey; thence running south with said range line to the line running between the fourth and fifth townships in the said seventh range; thence east with said township line to the Ohio river; thence up the said river, by and with the meanders thereof the place of beginning, be, and is hereby, erected into a county, by the name of Monroe, to be organized whenever the legislature shall hereafter think proper; but to remain attached to the said counties of

Belmont, Washington and Guernsey, as already by law provided, until the said county of Monroe shall be organized.

February 3, 1815—took effect March 1, 13 v. p. 128.

SEC. 1. That fractional township number one, in the fourth range, in the county of Washington, be, and the same is hereby, attached to and made part of the county of Monroe. Part of Washington attached to Monroe.

SEC. 2. That the said county of Monroe, be, and the same is hereby, organized into a separate county. Organized.

December 24, 1819, L. L. 1819—20, p. 4.

SEC. 1. That so much of the county of Morgan as is contained in the sixth and seventh townships, of range eight, be and the same is hereby attached to the county of Monroe. Part of Morgan attached to Monroe.

January 4, 1815—took effect February 1, 13 v. p. 52.

SEC. 1. That all that part of the counties of Scioto, Ross and Adams, included within the following limits, to wit: beginning at the township line on the Scioto river, between township three and four, in the twenty-second range, and running with the same east to the corner between section thirty-four and thirty-five, in the fifth township, twentieth range; thence with the section lines north to Ross county line; thence with the same east to the range line between range nineteen and twenty; thence north with the range line, nine miles into Ross county; thence west to Highland county line; thence with Highland county line to the north line of Adams county; thence with Adams county line to the highlands between the waters of Scioto Brush creek and Sunfish; thence southeastwardly with said highlands so far that an east line will strike the beginning, shall be a separate and distinct county by the name of the county of Pike. Boundaries of Pike.

December 21, 1815, 14 v. p. 22.

SEC. 1. That so much of the counties of Scioto and Gallia, as comes within the following boundaries, viz: beginning on the Ohio river, at the southeast corner of township number two, in range fifteen; thence west to the southwest corner of said township; thence north to the northeast corner of township three, range sixteen; thence west to the northwest corner of said township; thence north to the northeast corner of township five, in range seventeen; thence west to the range line between the seventeenth and eighteenth ranges; thence north to the northeast corner of township four, range eighteen; thence west to the northeast corner of section five, in said township; thence south to the northeast corner of section number twenty-nine, in said township; thence west to the northwest corner of section twenty-seven, in township four, range nineteen; thence south to the southwest corner of section thirty-four, in township three; thence west to the northwest corner of section three, in township two, in said range; thence south to the French Grant line; thence southeastwardly to the east corner of said Grant; thence southwestwardly to the corner between fractional sections

number three and four, in township one; thence south to the Ohio river; thence with the meanders up the river, to the place of beginning, be, and is hereby, erected into a separate county, by the name of Lawrence, to be organized whenever the legislature shall hereafter think proper, but to remain attached to the said counties of Scioto and Gallia, as already by law provided, until the said county of Lawrence shall be organized.

December 20, 1816—took effect March 1, 15 v. p. 6.

Organized.

SEC. 1. That the county of Lawrence be, and the same is hereby, organized into a separate county.

Township attached.

SEC. 4. That such part of fractional township number one, in the nineteenth range, as lies above the French Grant in the county of Scioto, be, and the same is hereby, annexed to the county of Lawrence.

December 22, 1818, 17 v. p. 3.

Part of Gallia attached to Lawrence.

SEC. 1. That so much of the county of Gallia, that is contained in the second fractional township, in range fifteen, be, and the same is hereby, attached to the county of Lawrence.

January 12, 1818—took effect March 1, 14 v. p. 112.

Boundaries of Jackson.

SEC. 1. That all that part of the counties of Scioto, Gallia, Athens and Ross, included within the following limits, to wit: beginning at the northwest corner of township number ten, range number seventeen, and running thence east, to the northeast corner of said township; thence south to the southeast corner of township number eight in said range; thence west to the southwest corner of section number thirty-five, in said township; thence south to the southeast corner of section number thirty-four, in township number seven, in said range; thence west to the southwest corner of said township; thence south to the southeast corner of township number five, in range number eighteen; thence west to the southwest corner of section number thirty-three, in township number five, in range number nineteen; thence north to the northwest corner of section number four in said township; thence west to the southeast corner of Pike county; thence with Pike county line to the northeast corner of said county; thence north to the northwest corner of township number eight, in range number nineteen; thence east to the range line between the seventeenth and eighteenth ranges; thence north with the same to the place of beginning, shall be a separate and distinct county by the name of Jackson.

January 3, 1818—took effect March 1, 16 v. p. 62.

Part of Ross attached to Jackson.

SEC. 6. That all that part of the county of Ross, which is comprised within township number nine, in range number eighteen, and township number nine, in range number nineteen, of the United States land, be, and the same is hereby attached to, and made a part of the county of Jackson.

December 26, 1817—took effect March 1, 16 v. p. 26.

SEC. 1. That so much of the counties of Washington, Boundaries of Muskingum and Fairfield as comes within the following boundaries, be, and the same is hereby erected into a separate county, which shall be known by the name of Perry, to wit: beginning on the line between the counties of Licking and Fairfield at the northwest corner of the eighteenth township in the seventeenth range; thence south with the said range line to the southwest corner of the said township eighteen; thence east four sections to the northwest corner of section number two, township seventeen, and range seventeen; thence south with said section line to the south line of township seventeen; thence with the township line east, to the southeast corner of said township; thence south on the line between the sixteenth and seventeenth ranges to the southwest corner of section nineteen in township fourteen range sixteen; thence east to the southeast corner of section twenty-four in the same township fourteen; thence south to the southeast corner of the same township; thence east to the southeast corner of township twelve in range fourteen; thence north on the line between the thirteenth and fourteenth ranges to the northeast corner of township thirteen, in the fourteenth range; thence west along the south boundary of Muskingum county, to the southwest corner of section thirty-four, in township fourteen, range fourteen; thence north to the northwest corner of section three in said township and range; thence west to the southwest corner of section thirty-five, in township seventeen, range fifteen; thence north to the northeast corner of section three, in same township; thence west along the said township lines to the place of beginning.

December 26, 1817—took effect March 1, 16 v. p. 33.

SEC. 1. That so much of the counties of Champaign, Boundaries of Madison and Green as comes within the following boundaries, be, and the same is hereby erected into a separate county, which shall be known by the name of Clark, to wit: beginning on the line between the counties of Miami and Champaign, on the north boundary of the fifth tier of sections in the tenth range between sections thirty-five and thirty-six, thence east with the sectional line between the fifth and sixth tier of sections in said range, to the line between the United States land and the Virginia Military land, thence eastwardly to the line of Madison county; thence southwardly with the line of Madison county to a point on said line six miles north of the southeast corner of Champaign county; thence diagonally so as to intersect the south line of Champaign county two miles west of the southeast corner of said county; thence west with the line of Champaign county one mile; thence south five and a half miles into Madison county; thence west to the line of Green county; thence to continue west five miles in said county of Green; thence north

one half mile; thence west to the line between township four and five in the eighth range; thence north with said township line to the line between sections three and four; thence west with said sectional line to the line of the third township; thence north with said line to the sectional line between the fourth and fifth tier of sections in said range; thence westwardly with said line to the east line of Montgomery county; thence north to the southwest corner of Champaign county; thence north with the line between the counties of Miami and Champaign to the place of beginning.

December 27, 1817—took effect March 1, 18 v. p. 29.

Boundaries of
Brown.

SEC. 1. That so much of the counties of Adams and Clermont as comes within the following boundaries, be, and the same is hereby erected into a separate and distinct county, which shall be known by the name of Brown, to wit: beginning at a point eight miles due west from the court house in the town of West-Union, in the county of Adams; thence running due north to Highland county line; thence west with Highland county line to Clermont county line; thence north with Clermont county line to Clinton county line; thence west with Clinton county line so far that a line running south will strike the Ohio river two miles above the mouth of Bullskin creek; thence up the Ohio river and with the same so far that a line running due north will intersect the point of beginning.

December 29, 1817, 16 v. p. 42.

Boundaries of
Morgan.

SEC. 1. That so much of the counties of Guernsey, Washington and Muskingum, as is included in the following boundaries, be, and the same is hereby erected into a separate county, which shall be known by the name of Morgan, to wit: beginning at the southwest corner of township eight, range thirteen; thence east to the eastern bank of the Muskingum river; thence down said river with the meanders thereof to a point where it will first intersect the north boundary of the donation tract; thence east with the said northern boundary line to the southeast corner of township five, range nine; thence north, to the northeast corner of said township; thence east to the western boundary line of Monroe county, to the southeast corner of township six, range eight; thence north to the northeast corner of township seven, range eight; thence west to the line of Muskingum county; thence south to the southwest corner of township eight, range ten; thence west to the centre of township fourteen, range fourteen; thence south to the south line of said township fourteen, range fourteen; thence east to the southeast corner of said township; thence south to the place of beginning; to be organized whenever the legislature shall hereafter think proper; but to remain attached to the said counties of Guernsey, Washington and Muskingum, as already by law provided, until the said county of Morgan shall be organized.

December 28, 1818—took effect March 1, 17 v. p. 7.

SEC. 1. That the county of Morgan be, and the same is Organized. hereby organized into a separate county.

December 30, 1817—took effect March 1, 16 v. p. 53.

SEC. 1. That so much of the county of Champaign as lies ^{Boundaries of} north of the line beginning on the east line of Miami county, ^{Logan.} between sections number thirty-three and thirty-four, in the third township, thirteenth range, and running east twelve miles with the sectional line between the third and fourth tier of sections; thence south one mile; thence with the sectional line between the second and third tier of sections in said range, to the line between the United States land and the Virginia Military land; and thence east to the line of Champaign county; thence north with said line to the Indian boundary line; thence west to a point so that a line drawn from said point due south, will strike the Indian boundary line at the point where the line between the counties of Miami and Champaign strikes said line; thence south with said line between the counties of Miami and Champaign to the place of beginning: and also, including the United States' Reservation at the Rapids of the Miami of the Lake, which shall be known by the name of Logan: *Provided*, That the jurisdiction of the said county of Logan shall extend over all that territory lying north of said county, and all crimes that shall be committed within the territory aforesaid, shall be considered as having been committed within the said county of Logan.

January 3, 1818—took effect March 1, 16 v. p. 60.

SEC. 1. That all those parts of the counties of Ross, Athens ^{Boundaries of} and Fairfield, as are comprised in the following bounds, to ^{Hocking.} wit: beginning at the northeast corner of section twenty-five, township fourteen, and range sixteen; thence south, to the southeast corner of the thirteenth township, in the same range; thence west three sections to the southwest corner of section thirteen, in the same township and range; thence south to the southeast corner of section nineteen, township eleven, and range sixteen; thence west to the southwest corner of section thirty-one, township twelve and range seventeen; thence south, to the southeast corner of section thirty-six in township ten, range eighteen; thence west to the southwest corner of section thirty-one, in township ten, range nineteen; thence north, to the northwest corner of section thirty, in township twelve, and range nineteen; thence east to the southeast corner of section twenty-four in said township and range; thence north to the northwest corner of section eighteen, in township thirteen, and range eighteen; thence east, to the southeast corner of section twelve, same township and range; thence north, to the northwest corner of section eighteen, township fifteen, range seventeen; thence east to the northeast corner of section thir-

teen, in same township and range; thence south, two sections to the southeast corner of the twenty-fourth section in the same range; thence east to the place of beginning; be, and the same is hereby erected into a separate, and distinct county by the name of the county of Hocking.

January 7, 1819—took effect April 1, 17 v. p. 21.

Boundaries of
Shelby.

SEC. 1. That so much of the county of Miami as lies north of the line beginning on the line dividing Miami and Dark counties, between sections twenty-seven and thirty-four, in township ten, range four, and running east, with said line to the Great Miami river; thence across said river; thence down said river to the middle of the twelfth range, township one, east of the Miami river, to the section line between sections twenty-one and twenty-two; thence east with said line to Champaign county line; thence north with said line dividing the counties of Miami, Champaign and Logan, to the Indian boundary line; thence north six miles; thence west to a point so that a line drawn from said point due south will strike the Indian boundary line, at the point where the line between the counties of Miami and Dark strikes said line; thence south with said line between the counties of Dark and Miami to the place of beginning; and also including the United States Reservations at forts St. Mary's, Amanda and Defiance, which shall be known by the name of Shelby: *Provided*, That the jurisdiction of the said county of Shelby shall extend over all that territory, lying north of said county and which, at this time, is included within the jurisdiction of the county of Miami; and all crimes that shall be committed within the territory aforesaid, shall be considered as having been committed within the said county of Shelby.

Proviso: ju-
risdiction.

January 21, 1819—took effect April 1, 17 v. p. 40

Boundaries of
Meigs.

SEC. 1. That so much of the counties of Gallia and Athens, as is included in the following boundaries, be, and the same is hereby erected into a separate county, which shall be known by the name of Meigs, to wit: beginning on the bank of the Ohio river, on the sectional line between the thirteenth and fourteenth ranges; thence north to the southeast corner of section number six, of township five, of range fourteen; thence west, to the southwest corner of section number thirty-six, of township seven, of range fifteen; thence north on township line, to the northwest corner of section number thirty-six, of township nine, of range fifteen; thence east to the Ohio river; thence down the river with the meanders thereof to the place of beginning; be, and the same is hereby erected into a separate county by the name of Meigs.

January 10, 1820—took effect April 1, L. L. 1819—20, p. 56.

Boundaries of
Union.

SEC. 1. That so much of the counties of Delaware, Franklin, Madison and Logan, and also so much of the territory within the limits of this state, laying north of the old Indian boundary line, as comes within the following boundaries, be,

and the same is hereby erected into a separate and distinct county, which shall be known by the name of the county of Union, to wit: beginning on the north boundary line of Delaware county, on that part known by the name of the old Indian or Greenville line, at a point three miles west of the Scioto river; thence due south fifteen miles; thence east four miles; thence south unto the north boundary of Franklin county; thence south two and one-half miles into Franklin county; thence west to the east boundary of Madison county and to continue west unto the east boundary of Champaign county; thence north, to the northeast corner of said county; thence west three miles; thence north so far that a due east line will strike a point three miles north of the beginning; thence south to the said place of beginning.

SEC. 8. That so much of the territory laying north of the county of Logan as is contained within the following boundaries, to wit: beginning at the northeast corner of Logan county; thence running north five miles; thence west to a point, from which a south line will strike the northwest corner of said county; thence south to said corner; thence east with the line to the beginning; shall be, and it is hereby attached to the county of Logan, and shall hereafter form a part of said county. A tract of land attached to Logan.

February 12, 1820—took effect April 1, L. L. 1819—20, p. 90.

SEC. 1. That all that part of the lands lately ceded by the Indians to the United States, which lies within this state, shall be, and the same is hereby, erected into fourteen separate and distinct counties, to be bounded and named as follows, viz: First, to include townships one, two and three south, in the first, second, third and fourth ranges, and to be known by the name of Vanwert. Boundaries of Vanwert.

Second, to include all of said ranges south of said township, to the northern boundaries of the counties heretofore organized, and to be known by the name of Mercer. Mercer.

Third, to include townships one and two south, and one and two north, in the fifth, sixth, seventh and eighth ranges, and to be known by the name of Putnam. Putnam.

Fourth, to include all of the last named ranges, south of the said second townships, to the northern boundaries of the organized counties, and to be known by the name of Allen. Allen.

Fifth, to include townships one and two south, and one and two north, in the ninth, tenth, eleventh and twelfth ranges, and to be known by name of Hancock. Hancock.

Sixth, to include all the last mentioned ranges, south of said second township, and running south with the range lines to the northern boundaries of the organized counties, and to be known by the name of Hardin. Hardin.

Seventh, to include townships one, two and three, south, in ranges thirteen, fourteen, fifteen, sixteen and seventeen, and all that may lie between the same and the west line Crawford.

of Richland county, and to be known by the name of Crawford.

Marion.

Eighth, to include all of the last mentioned ranges, south of said third townships, and to run south with said range lines, to the northern boundaries of the organized counties, and east with the township lines to Richland county line, and to be known by the name of Marion.

Seneca.

Ninth, to include townships one, two and three north, in ranges thirteen, fourteen, fifteen, sixteen and seventeen, and to be known by the name of Seneca.

Sandusky.

Tenth, to include all of the last mentioned ranges north of said third townships, to the northern boundary of the state, and to be known by the name of Sandusky.

Wood.

Eleventh, to include all of ranges nine, ten, eleven and twelve north, of the second townships north, in said ranges, and to run north with the same to the state line, and to be known by the name of Wood.

Henry.

Twelfth, to include all of ranges five, six, seven and eight north, of the second township north, in said ranges, and to run north with the same to the state line as aforesaid, and to be known by the name of Henry.

Paulding.

Thirteenth, to include townships one, two and three north, in the first, second, third and fourth ranges, and to be known by the name of Paulding.

Williams.

Fourteenth, to include all of the first, second, third and fourth ranges north of the third townships north in said ranges, and to run north with the same to the state line, and to be known by the name of Williams.

Counties attached.

SEC. 2. That the counties of Crawford and Marion shall be attached to the county of Delaware; the county of Hardin shall be attached to the county of Logan; the county of Allen shall be attached to the county of Shelby; the counties of Vanwert and Mercer, shall be attached to the county of Dark; the counties of Hancock, Henry, Putnam, Paulding and Williams, shall be attached to the county of Wood; and the county of Seneca, shall be attached to the county of Sandusky, until otherwise directed by law.

Wood and Sandusky organized.

SEC. 3. That the aforesaid counties of Wood and Sandusky shall be organized as separate counties.

December 26, 1822, L. L. 1822—3, p. 5.

Boundaries of Lorain.

SEC. 1. That all that part of the county of Huron, east of the twentieth range, also all that part of the county of Cuyahoga west of the fifteenth range, with township number five, and the west half of township number six, in the fifteenth range, and the following townships and territory from the county of Medina, to wit: township number four, in the seventeenth range, townships number three and four, in the eighteenth range, and all that part of the nineteenth range, north of a line running from the southwest corner of township number three in the eighteenth range, due west to the

twentieth range, be, and the same is hereby, erected into a separate and distinct county, by the name of Lorain, to be organized whenever the Legislature shall hereafter think proper, but to remain attached to the said counties of Huron, Cuyahoga and Medina, as now provided by law, until said county of Lorain shall be organized.

January 21, 1824—took effect April 1, L. L. 1823—4, p. 12.

SEC. 1. That the county of Lorain shall be, and the same hereby is, organized.

December 15, 1823—took effect May 1, L. L. 1823—4, p. 48.

SEC. 1. That the county of Marion be, and the same is hereby, organized into a separate and distinct county, and that the county of Crawford shall be, and is hereby, attached to the county of Marion for judicial purposes.

January 2, 1824, L. L. 1823—4, p. 49.

SEC. 1. That the county of Mercer be organized into a separate county, and that the county of Vanwert be attached thereto for judicial purposes, until otherwise directed by law.

January 20, 1824, L. L. 1823—4, p. 50.

SEC. 1. That such parts of the counties of Coshocton, Tuscarawas and Wayne, as lies within the boundaries herein set forth, be, and the same is hereby, erected into a separate county, by the name of Holmes: beginning on the old Indian boundary line, where the east boundary of Wayne county intersects the same; thence north with the line of Wayne county, to the northeast corner of section twenty-five, of township fifteen, in range eleven; thence west with the sectional lines to the west boundary of Wayne county; thence south to the aforesaid old Indian boundary line; thence with said Indian boundary line to the northeast corner of Knox county; thence south with the east line of Knox county, to the line between the seventh and eighth townships; thence east with the line between the seventh and eighth tier of townships, to the southeast corner of section twenty-four, of township eight, in range four; thence north to the aforesaid old Indian boundary line; thence with said Indian boundary line to the place of beginning.

January 4, 1825, 23 v. p. 21.

SEC. 1. That the county of Holmes be, and the same is hereby, organized.

January 22, 1824—took effect April 1; L. L. p. 49.

SEC. 1. That the county of Seneca be, and the same is hereby, organized into a separate and distinct county.

February 17, 1824, L. L. 1823—4, p. 88.

SEC. 1. That so much of the county of Crawford as lies north of the Wyandot Reservation, including one tier of townships lying east and west, be, and the same is hereby, and after the passage of this act, attached to the county of

Seneca for judicial purposes, until the county of Crawford shall be organized.

February 2, 1824, L. L. 1823—4, p. 19.

Organized and
counties at-
tached.

SEC. 1 That the county of Williams shall be organized, and the counties of Henry, Putnam and Paulding shall be attached thereto for judicial purposes.

January 30, 1807, 5 v. p. 105.

Boundaries
between
Athens and
Gallia alter-
ed.

SEC. 1. That the following alteration of the boundary line between the counties of Athens and Gallia, shall take place, viz: beginning at the northwest corner of section number twenty-four, in township number three, of range number twelve; thence south on the sectional line of number twenty-four, to the southwest corner of said section; thence east with the sectional lines between the fifth and sixth tier of sections, to the Ohio river.

January 20, 1808, 6 v. p. 10.

Boundaries al-
tered between
Hamilton and
Butler.

SEC. 1. That the following boundary is hereby established between the counties of Hamilton and Butler, to wit: beginning at the southwest corner of the county of Warren, and at the northeast corner of section number seven, in the third township of the second entire range of townships in the Miami Purchase; thence westwardly along the line of said tier of sections to the Great Miami river; thence down the Miami river to the point where the line of the next original surveyed township strikes the same; thence along the said line to the western boundary of the state.

January 30, 1815—took effect March 1, 13 v. p. 110.

Boundaries
between Clin-
ton and High-
land establish-
ed.

SEC. 8. That the line run by the surveyor of Ross county, from the southeast corner of Clinton county, adjoining Fayette county, to the southeastern corner of Clinton county, adjoining Highland county, on the sixth day of April, eighteen hundred and thirteen, pursuant to the act to attach part of Highland county to the county of Clinton, be and the same is hereby, declared the boundary of Clinton county, and the line between Clinton and Highland county, from the beginning of said line until it crosses the east fork of the Little Miami river.

January 25, 1819, 17 v. p. 61.

Lines between
Clark and
Green estab-
lished.

SEC. 1. That the line between the counties of Green and Clark, so far as said line shall run through said county of Green, shall be run in the following manner, to wit: from the Green county line, where it first strikes said county line; thence to continue west five miles, in said county of Green; thence north one-half mile; thence such a course west as will strike the line between the townships four and five, on the north side of the Little Miami river, in the eighth range; thence north with said township line, to the line between sections three and four; thence west with said sectional line to the line of the third township; thence north with said line to the sectional line between the fourth and fifth tier of sec-

tions, in said range; thence westerwardly with said line to the east boundary line of Montgomery county.

SEC. 2. That so much of the act, entitled "An act to erect the county of Clark," as is contrary to the provisions of this act, be, and the same is hereby, repealed. Part of original act repealed.

February 5, 1819, 17 v. p. 130.

SEC. 1. That the line between the counties of Adams and Brown, as is called for in the first section of the act to erect the county of Brown, shall be run north and south, from the beginning thereof by the present point of the needle, without allowing any variation of the compass thereon; and the surveyors aforesaid shall govern themselves accordingly. Lines to be run between Adams and Brown by the point of the needle.

January 29, 1821, 19 v. p. 73.

SEC. 1. That the line formerly run by Solomon M'Culloch, as the eastern boundary line of Champaign county, be, and the same is hereby, declared the eastern boundary of said county. E. boundary of Champaign established.

SEC. 2. That so much of said line as lies north of a point, six miles north of the southeast corner of the county of Champaign, be, and the same is hereby, declared the eastern boundary of the county of Clark. E. boundary of Clark established.

SEC. 3. That the line between the counties of Madison and Union shall be run parallel with the line formerly run as the dividing line between the counties of Madison and Franklin, and the county of Delaware. Lines between Madison and Union established.

December 21, 1822, L. L. 1822—3, p. 4.

SEC. 1. That the line formerly run by Solomon M'Culloch, between the counties of Champaign and Madison, as continued by John Rhodes, between the counties of Champaign and Union, to the northeast corner of Champaign county, be, and the same is hereby, declared to be the eastern boundary of Champaign county. Lines between Champaign and Union established.

January 8, 1824—L. L. 1823—4, p. 7.

SEC. 1. That the line between the county of Logan and the county of Union, shall begin at a point three miles west of the northeast corner of Champaign county; thence north by a line which shall be run parallel with the eastern boundary of Champaign county; and the county surveyors of the counties of Logan and Union shall be governed according to the provisions of this act. Lines between Logan and Union established.

February 4, 1825, 23 v. p. 12.

SEC. 1. That William Wilson, of Clark county, is hereby appointed to run, survey and mark carefully a line between said counties, to commence at the southeast corner of the county of Union, and run from thence a due west course to the eastern boundary of Champaign county, and said surveyor shall make out duplicates of such survey with the plats and notes thereof, one of which he shall leave with the commissioners of each county, which commissioners are required to keep the same carefully on file in their respec- Line between Madison and Union to be surveyed, &c.

tive offices, and from which they shall make out an accurate abstract, and deliver such abstract to the recorder of their county, who is required to record the same, which line so surveyed platted and returned, shall be, and remain the established line between the counties of Union and Madison.

INDEX.

A

ACADEMY, a township reserved for, in Symmes' Purchase	31
A township guaranteed for, by compact	156
ACKNOWLEDGMENT OF DEEDS, ordinance of 1787	252
By laws and statutes	301-309
ADAMS county proclaimed	495
Part of Hamilton attached to	496
Line declared	523
ADMINISTRATORS may sell real estate	381-462
May complete real contracts	390
Agents for heirs, &c.	265
Aliens may hold lands in this state	470
Allen county	519
Ashtabula county	504
ASSIGNMENT of U. S. Military Warrants	6
Of Refugee claims	68
Of plats and certificates	113
ATHENS county	501
Part of Washington attached to	501
Boundaries altered	522
Attachment on lands	280

B

Banks of streams, not navigable, common to both owners	39
Beasley N. appointed agent for J. Beasley's heirs	271
Belmont county proclaimed	497
Baron Steuben, grant of land to	116
Blanchard A. lands of, may be sold	274
Boardman, proprietors of, may alter, &c. plat	449
Boundaries of the state of Ohio	261
BOUNTIES United States Military	3
Warrants to issue for	6
Virginia Military	111
Proportions to officers and soldiers	115
Legal representatives entitled to	116
Of Connecticut, to Sufferers by fire	82
To Refugees	69
To the French inhabitants of Gallipolis	143
BROWN county	516
Line established	523
Burnet William, trustees of, may convey land	265
BUTLER county	496
Boundaries altered	522

C

CERTIFICATE for land purchased	44
And plat may be assigned	113
CESSION from Connecticut to the U. States	77
From Virginia to the U. States	125
CHAMPAIGN county	501
Boundary established	523
Chancery, decrees in, how lands affected by	296
Charters, ancient of Virginia	123
Chillicothe, trustees of, may alter records	449

Claimants, occupying, relieved	358
Clark James I. confirmed in certain claims	267
CLARK county	515
Boundaries established	522
Lines declared	523
Cleaveland, plat of, may in part be vacated	455
Clermont county proclaimed	486
CLINTON county	510
Parts of other counties attached to	510
Boundaries established	522
Collet John may convey to Blair	273
Columbiana county	499
Common law and statutes to James I. in force	322
Constitution, people of N. W. territory may form	261
CONTRACTS made to defraud creditors, void	323
Made upon gaming consideration, void	384
Real, how enforced	389
CONVEYANCES made to defraud, void	323
For gaming consideration, void	324
How made under ordinance of '87	252
How executed in this state	301
From Connecticut to the U. States	80
For land on Lake Erie, how recorded	101
From Virginia to the United States	127
May be sealed with ink or wax, &c.	396
Coschocton county	509
Crawford county	519
CUYAHOGA county	503
Huron attached to	503
Boundaries altered	503
D	
Dark county	507
Dayton, proprietors of, may change plan of	448
DECREES, in chancery effect of, upon lands	296
In divorce, may operate upon husband's land	299
DEEDS from Connecticut to the United States	80
From Virginia to the United States	127
For lands on Lake Erie, how recorded	101
How to be executed by ordinance of 1787	252
How to be executed, &c. in this state	301
Required to pass land	323
May be sealed with wafer, wax or ink	396
How made for lands sold for taxes (see Tax)	404
Made to defraud, void	323
Made on gaming consideration, void	324
DELAWARE county	505
Part of Franklin attached to	505
DESCENTS regulated by ordinance of 1787	252
By statutes	310
DISTRICTS, land, four established	40
Zanesville established	48
One between the U. S. Military and W. Reserve	53
Of Piqua and Delaware established	58
DONATIONS, 100,000 acres to settlers in O. C's. Purchase	21
To officers, &c. of the Continental army	3
To Refugees	66
To the French inhabitants of Gallipolis	143
To A. H. Dorhman	146
To Isaac Zane	147
To Ebenezzer Zane	147
To Ohio, for a road	153
To the United Brethren	73
Dorhman Arnold Henry, grant of land to	147
DOWER, under ordinance of 1787	252
By statutes	313

E

Eaton, trustees of, may sell lots	433
Elizabethtown, proprietors of, may alter or vacate	451
Ensworth's heirs, agent appointed for	269
Entailment not permitted	319
ENTRIES, for purchase of lands, how made	44
Errors in, may be corrected	58
Errors in, how rectified	61
Escheat, lands may	464
Estates Insolvent, may be sold to pay debts	478
EVIDENCE, copies of records of Fire Land Co. made	109
Copies of field notes in Symmes' Purchase made	319
How perpetuated	474
EXECUTION OF DEEDS, ordinance of 1787	252
By laws and statutes	301
Of real contracts by executors, &c.	389
Executions and judgments	326
EXECUTORS, &c. may sell real estate	381
May complete contracts	389

F

Fairfield county proclaimed,	496
Fayette county organized	510
FEES to be paid by purchasers of public land	42
Registers' to be paid, by purchaser	46
For patents	47
Not to be charged to purchaser after July 1, 1804	50
Surveyors' of Virginia Military lands	123
Plats may be detained for	123
Field notes of Symmes' Purchase, acts to preserve	319
FIRE LANDS donation of, by Connecticut	82
Proprietors of, incorporated by ditto.	101
by Ohio	106
FRANKLIN county organized	499
Part of Licking attached to	500
Frauds and perjuries, an act to prevent	323
French Grant	143

G

GALLIA county organized	499
Boundaries altered	522
GEAUGA county	502
Part of W. Reserve attached to	502
GOSPEL, lands for support of, by resolution and compact	154
A corporation erected to manage, in Washington co.	161
May be let	173
May be leased for 99 years	176
Townships, having 20 electors, may appoint officers, &c.	178
Townships, original incorporated, may manage	178
May be leased in fractional townships, in O. C's. P.	195
May be leased in Gallia county	197
Revaluation taken off 3 T. 2 R. Symmes' Purchase	216
Part of Sec. 29, 5 T. 2 R. Symmes' Purchase, leased	216
GREEN county	498
Boundaries established	522
GUARDIANS appointed and may sell wards' land	381
May be appointed to drunkards, &c.	380
Power of, over their wards' estates	466
Guernsey county	508

H

Hamtramck's administrators may sell lands	269
HAMILTON county proclaimed	494
Boundaries altered	495
Boundaries altered	522

Hancock county	519
Hardin county	510
Harrison county	512
HEIRS vested with estates lost at gaming	325
Who shall be (See Descents)	252-310
Henry county	520
HIGHLAND county	509
Boundaries established	522
HIGHWAYS, navigable streams declared public	7
Navigable rivers declared public	39
Sandusky river declared a public	56
Navigable waters of the Mississippi and St. Lawrence	256
Hocking county	517
Holmes county	521
Houses, lots, &c. taxed and may be sold for taxes	433
HURON county	507
Boundaries altered	507

I

INCORPORATIONS, Fire Land Company, by Connecticut	101
by Ohio	106
Persons to manage Sec. 29, in Washington co.	167
Original surveyed townships	178
Original surveyed townships	200
INHERITANCE, rules of, under ordinance of 1787	252
Rules of, under laws and statutes	310
Insolvent estates may be sold to pay debts	478

J

JACKSON county	514
Part of Ross attached to	514
Jefferson county proclaimed	495
Judgments and executions	327

K

Kerr Drusilla, to receive a conveyance	471
Kinsley John, may have a conveyance for a lot	455
Knox county	504

L

LAND, given by resolution to officers, &c. of the United States	3
Boundaries of the United States Military Tract	6
To be granted in quarter townships	7
Time given to locate	11
Sold Ohio Company	21
Sold John C. Symmes	30
Given to the United Brethren	73
Western Reserve of Connecticut	77
Sufferers'	81
Virginia Military	111
Granted to the French inhabitants of Gallipolis	143
Granted to Refugees	68
Given I. and E. Zane	147
Granted to A. H. Derbman	146
Given to Ohio, for a road	153
Granted to Ohio, by contract, Salt Springs	149
Sales of public	35
How surveyed	35
When offered for sale	37
Condition of sale of	42
May be purchased in sections, half or quarter sections	48
Rules for the subdivision of	51
Sale of lot on which fort Washington stood	52
Reserved sections offered for sale	53

LAND

How surveyed in the district attached to Canton	55
Subdivision and sale of, in half quarter sections	59
Term of payment for, extended	63
For the support of the Gospel and Schools	154
School, for the United States Military Tract	155
For the Western Reserve	155
For the Virginia Military Tract	159
One thirty-sixth part of all in Ohio	156
For the Refugee Tract	160
For the reservation at Sandusky	161
How leased	161
Granted for an University	17
Granted for an Academy	30
Of Ohio University, how leased	219
Of Miami University, how leased	239
How to descend	252-310
Dower in	252-313
May pass by will	252-457
May escheat	464
May be sold by executors, &c. to pay debts	478
Partition of, may be had	360
Not to be entailed	319
How affected by decrees, in Chancery	296
The effect of decrees in divorce, upon	299
Attachment of	280
Agents to sell, for heirs, &c.	265
How liable to judgments and executions	327
Occupying claimants of, relieved	358
Lost by gaming, passes to heir	325
Deeds for, how executed	252-301
Not to pass without deed	323
Taxed and may be sold for taxes	397
When sold for taxes, how redeemed	420-437
How sold on mortgage	352
Contracts for, how carried into effect	389
Guardians may sell	381-466
Aliens may hold	470
Testimony respecting, how perpetuated	474
LAND OFFICES , four established	40
One established at Zanesville	48
A general one established	54
One for lands between the U. States	}
Military Tract and W. Reserve	
At Piqua and Delaware	58
LAND PRE-EMPTIONS , granted to purchasers of Symmes	34
Erection of mills gives right to	47
Granted for seats of justice, to Ohio	150
Granted generally for seats of justice	62
LAWS , may be adopted by Governor and Judges	253
Adopted by Governor and Judges, repealed	473
LAWRENCE county	513
Part of Gallia attached to	514
Lee Henry, invested with lands of Arthur Fox	472
Levies county, tax upon houses and lots	438
Licking county	504
LINES , how run and marked in U. S. Military Tract	6
Of the Virginia Military Tract, declared	133-137-140
Actually run, to be considered boundaries U. S. M.	8
How run in the division of townships	9
Where to begin, in the Ohio C's. Purchase	15
How run in Symmes' Purchase	33
Of the public lands, how run	35
Of townships, W. of the Muskingum	40
Of sections, when subdivided	48

LINES

Parallel, to be run through townships	51
Boundary, to be held final	52
Exterior, at Lower Sanlusky, to be run	56
Of the reservation at the Foot of the Rapids	57
How run in the division of quarter sections	58
LOCATIONS, of U. S. Military Warrants	6
May be made in name of heirs	11
Time given to make	21
Of V. Military Warrants to be precisely made	121
Time given to complete	134
When to be made by Refugees	69
LOGAN county	517
Lines established	523
Lorain county	520
Lots in the United States Military Tract	10
Ludlow's line considered the true boundary of the V. M.	140

M

MADISON county	509
Part of Champaign attached to	509
Part of Franklin attached to	510
Lines declared	523
MARION county	520
Crawford attached to	521
Medina county	512
Meigs county	512
Mercer county	519
MIAMI county	502
Part of Montgomery attached to	503
Miami University, acts relating to	239
MONROE county	512
Parts of other counties attached to	513
Montgomery county	498
Moore David, and others, released from contract	217
Morgan county	516
Mortgages, remedy on	352
Mosely Abner, Wells appointed agent for heirs of	278
Muskingum county	500

N

NAVIGABLE STREAMS, in U. S. M. Tract, declared public highways	7
Rivers, in the public lands	39
Waters of the Mississippi and St. Lawrence	256
Streams not, banks common to both owners	39
NORTHWESTERN TERRITORY, ordinance to govern	252
May form a constitution	261
Notes field, of Symmes' Purchase, acts to preserve	319

O

Occupying Claimants, acts for the relief of	358
OFFICES LAND, four established	40
One established at Zanestille	48
One between U. S. Military and W. Reserve	53
Established at Piqua and Delaware	68
A general one established	54
Officers of Virginia may choose surveyor, &c.	119
OHIO COMPANY'S PURCHASE	15
Lands for the support of the Gospel	17
Boundaries of	20
Ohio, state of, boundaries	261
Ohio University, acts relating to	219
Olmsted's devisees relieved	275
ORDINANCE for the government of the N. W. Territory	252
Declaring assent of T. legislature to alteration of	258
Virginia assents to modification of	258
Convention accepts	259
Orphan's court, powers over estates	376

P

PARTITION of lands .	360
Heirs may have	463.
PATENT , for Ohio Company's Purchase	21
To John Cleves Symmes	30
To issue on final certificate	44
To the U. States, from Connecticut.	80
Paulding county	520
Payment, for public land, extended, &c.	63
Perry county	515
Pickaway county	508
Pike county	513
PLATS , on V. Military Warrants, assignable	113
May be detained for fees	122
Of towns, recording, vacating	445
Portage county	503
Portsmouth, proprietors of, may alter plat	448
Preble county	506
PRE-EMPTIONS , granted purchasers of Symmes	34
Allowed for saw or grist mills	47
Granted for seats of justice	62
Granted for seats of justice to Ohio	150
Putnam county	519

R

Ranges, seven to be offered for sale	36
Real contracts, how carried into effect	389
RECORD OF DEEDS , laws and acts respecting	301
For lands on Lake Erie.	101
Of Sufferer's land, where to be kept	109
Redemption of land sold for taxes	420-437
REFUGEES , provision for, in lands	66
Claims of, not to be assigned until grant	68-71
School lands selected for	160
REPEAL of laws of the Gov. and J's. and T. Legislature	473
Of an act, shall not revive a former	474
RESERVATIONS —see Treaties	477
Of certain sections	36
Of quarter townships in U. S. M. Tract	10
Of fifteen acres including fort Washington	31
Resolution warrants, patents may issue on	132
Richland county	505
ROADS , three per cent. for, by contract	150
One to be laid out from Miami to W. Reserve	151
Land granted to Ohio for	153
Navigable streams declared public	7-39, 256
Roberts' line established	140
Ross county proclaimed	496

S

SALES OF PUBLIC LANDS	35
Conditions of	38
Where to be made	37-40-48-53-58
SALT SPRINGS , reserved	36
Granted to Ohio, by contract	149
Ohio authorized to sell	150-151
Sandusky county	520
Sandusky river, declared a public highway	56
SCHOOL LAND , reserved by resolutions of Congress	154
Guaranteed by contract	155
For the U. S. Military Tract	155
For the Western Reserve	155
1-36th part of all lands in Ohio	156
For the V. Military Tract	157
Designated for the V. M. Tract	159
For the Refugee Tract	160

SCHOOL LAND

Selected for the L. Rapids of Sandusky	161
A corporation erected to manage	161
For the V. M. Tract, may be leased	173
Section 16, how leased	175
Leased in Belmont county	183
in Washington and Gallia	185
in Champaign	186
in Washington	188
in Athens	189
in Montgomery	191
Trustees of T. 1, R. 2, may lease	192
Town of Marietta may lease	193
May be leased in O. C's. Purchase	195
Leased in Gallia county	199
Trustees of townships may lease	200
For V. M. Tract, how leased	205
For the U. S. Military Tract in Muskingum	210
Sec. 16, T. 4, R. 2, Symmes' Purchase	212
Stokes and others relieved from lease of	215
Moore and others relieved from lease of	217
Baptist church confirmed in lease of	216
SCIOTO county	497
Part of Gallia attached to	498
Part of Lawrence attached to	498
Seals of wax, ink, &c. to deeds and wills, good	396
SECTIONS, reserved	36
Reserved, offered for sale	53
Rules for ascertaining contents of	51
How subdivided	59
SENECA county	520
Crawford attached to	521
Sheeby Daniel, part of his lands may be sold	451
Shelby county	518
Statutes of England in force to James I.	322
Staunton, proprietors of, may alter plat, &c.	450
Stark county	505
Steuben Baron, lands granted to, by Va.	116
STREAMS, in the U. S. M. Tract, declared highways	7
In the public lands, declared highways	39
Emptying into the Mississippi and St. Lawrence	256
Not navigable, banks common to both owners	39
SUFFERERS by fire, released to, by Connecticut	82
Incorporated by Connecticut	101
By Ohio	106
SURVEYS, how made in U. S. Military Tract	6
Corners of townships declared	8
Of quarter townships, final	10
Of public lands	15
How to be made of lands not in Symmes' Patent	33
Of the subdivision of townships	40
In the district attached to Canton	55
Of public lands, mode may be altered	62
Of Refugee Lands	68
Of lands granted by Virginia	117
On Virginia Military Warrants	122
Of the lands of the United Brethren	75
Of the French Grant	143
Rules for ascertaining contents of sections	51
SURVEYOR, general, to be appointed	35
To be appointed by officers of Va.	119
SYMME'S PURCHASE, boundaries, &c.	26
Lands for the support of the Gospel, in	32

T

TAX ON LAND	397
For the year 1806	434
For county purposes, on houses, &c.	438
TERRITORY NORTHWESTERN , ordinance to govern	252
E. division of, may form a constitution	261
Testimony, how perpetuated	474
TOWN laid out by U. States, at Lower Sandusky	55
One laid out by the U. States, at Foot of the Rapids	56
TOWN PLATS , recording, vacating, &c.	445
Court of Comon Pleas may vacate	452
TOWNSHIPS , contents of, in the U. S. Military Tract	6
Lines as run, established	8
How divided	9
West of Muskingum, to be subdivided	40
Original surveyed, may take possession of } Sec. 16 and 29	178-200
Two given for a University	17
One given for an Academy	30
Treaties with Indian nations	477
Trimble James, agents appointed for heirs of	267
Trumbull county proclaimed	496
TUSCARAWAS county	506
Part of Jefferson attached to	506
Town of, in part vacated	452

U

UNION county	518
Lines established	523
UNITED STATES MILITARY TRACT	6
School Lands for	155
United Brethren, donation of lands to	73
UNIVERSITY , two townships given for, in O. C's. Purchase	17
Of Ohio, acts relating to	219
Of Miami, acts relating to	239

V

Vanwert county	519
VIRGINIA MILITARY BOUNTIES	111
School lands for	157

W

WARRANTS , for military services, in United States	5
May be located in quarter townships	9
Time given to locate	14
For Virginia Military Bounties, how obtained	112
Assignable	113
Lost or withdrawn, may be re-entered	133
Lost, patents may issue, how	133
Issued by resolutions of Va. patent may be obtained for	135
Time given to locate.	134
WARREN county	498
Part of Butler attached to	499
WASHINGTON county proclaimed	494
Part of Athens attached to	501
Washington Fort, lot sold	52
WAYNE county proclaimed	494
Boundaries altered	495
Organized	506
WESTERN RESERVE OF CONNECTICUT	77
School Lands for	155
West-Union, trustees of, may sell lots	450
WIDOW , entitled to dower	313
May inherit, in certain cases	404
WILLS , how executed under ordinance of '87	252
How executed under laws and statutes	457

INDEX.

Wilson William, court may appoint agent for heirs of	273
Williams county	520
Wilson George and another appointed agents for J. Wilson's heirs	272
Women, abandoned by their husbands, relieved	475
Wood county	520

Z

Zane J. and E. lands granted to	147
---------------------------------	-----

Wilson Will
Williams cou
Wilson Georg
Women, aban
Wood county ;

Zane J. and E.

Stanford Law Library



3 6105 062 007 559

